

1562 Po: Henrich. AN EXPO
EXPOSITION
OF CERTAINE DIFFI-
cult and obscure wordes, and
Termes of the Lawes of this Realme, newly
amended and augmented, both in
French and English, for the helpe of
such yong Students, as are de-
sirous to attaine to the
knowledge of the
same.



AT LONDON
Printed by Thomas Wight,
and Bonham Norton.

1598.

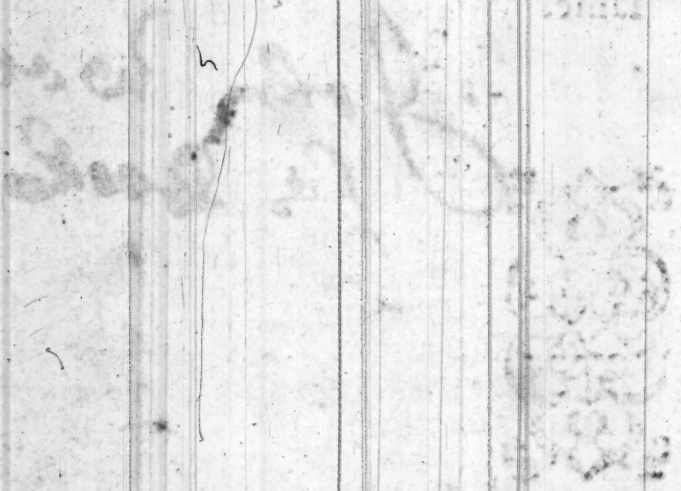
Cum priuilegio Regie
Majestatis.

John Woccester
his Booke
Sent to me
in Anna Dom
1690

AN
EXPLANATION

OF CERTAIN

and obsolete words, and
Terms, the use of which
is extended and restricted, both in
French and English, to the help of
which young linguists are
in a more correct manner
enabled to read
them.



AT LONDON

Printed by Thomas Warton
and Benjamin Motteux

Handwritten signature or scribble

1755

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FINIS.

William King Esqre

Terms of the Law.

I

r Abatement of a writ
or plaint.

A Batement of a writ
or plaint, is when
an actiō is broght
by writ or plaint,
wherein is lacke
of sufficient and good
matter, or els the matter
alleged is not certainly
set downe, or if the plain-
tife or defendant, or place
are misnamed, or if there
appeare variance be-
twene the writ and the
specialtie or recorde, or
that the writ or the de-
claration be uncertaine,
or for death of the plain-
tife or defendant, and for
diuers other like causes,
then vpon those defaults,
the defendant may pray, &
the writte or plaint may
abate, that is to say, that
the plaintifes suit against
him, may cease for that
time, & that he shall begin
againne his suit, and bring
a newe writ or plaint if
he be so disposed to doe.
But if the defendant in
any action plede a matter
in barre, for to adnull the

Abatement de briefe
ou plaint.

A Batement de bre
ou plaint est quā
vn action est port
per briefe ou
plaint, en que fault
sufficient & bone matter,
ou aueriment le matter
allege, nest certainement
allege, ou si le plaintife,
ou defendant, ou lieu
sont misnom, ou si ap-
pere variance perenter le
briefe & le specialtie, ou
record, ou que le briefe
ou declaration sont vn-
certeine, ou pur mort
del plaintife, ou defen-
dant, & pur diuers auters
semblable causes, donq;
sur ceux defaults, le def.
port prie que le briefe ou
plaint abatera, cest adire,
que le suit del pl. enuers
luy cessera pur cest temps,
& que il commencer a au-
ter temps son suit & port
vn nouel briefe ou plaint,
fil soit issint dispose a
faire. Mes si le def. in as-
cun action plead vn mat-
in barre pur adnuller le
A. J. action

The Exposition of

action a tous iours, il ne viendra apres a pled' in abatement de bñ, mes si apres il appiert in le Record q̄ est ascun matt' apparant pur que le bñ doit estre abat', donq; le def. ou asc' aut' pson, vt amic' curiæ poit bñ plede & m̄re ceo in arrest de iudgemēt.

Veies les titles de brief, Misnosm̄, & variance en les Abridgments, & le liuer appel le Digests del briefes, in quel est fort bñ entreat especialment de ceux matters.

action for curr, he shall not come afterwards to plede in abatement of the writ, but if after it appere in the record, that there is some matter apparant, for the which ȳ writ ought to be abated, thē the def. or any persō as a friēd to ȳ court may well plede & shewe ȳ in arrest of iudgement.

See the titles of writ, Misnosmer & Variance in the Abridgements, and the book called the Digests of vrits, in which it is very wel entreated, especially of these matters.

Causes de Abatement de brief ou pleint.	{	Fault de	{	sufficient ou bone	} matter
		Le matter nest certainement alledge			
	{	plaintife defendant	{	est Misnosme ou lieu	
		ou lieu			
	{	variance enter	{	Briefe Specialtie ou Record	
		uncertaintie del			
{	{	{	Briefe Count ou declaration		
					Mort

2 Abatement en fr̄s.

A Batement en terres ou ten̄ts est quāt vn home

Abatement in lands.

A Batement in landes or tenem̄ts is whē a mā dieth

Termes of the Law.

2

bleth leased of lāds or tenements, & one y^e hath no right entreth into y^e same lands or tenemēts befoze y^e heire mabeth his entry, this entry of him is called an abatement, & he an Abator. But if the heire enter first after the deeth of his auncestoz, & the other enter vpon the possessiō of the heir, this entry of him is a disseisin to the heire. *Loke in y^e book of entries fol. 63.c. & 205.d. & 519.c.*

Where this worde Abatement is called in latin, Intrusio, And I think it better to call it in latin Interpositio, or Intratio per interpositionem, to make a difference betweene this word & intrusion after the death of the tenāt for life.

3 Abbot.

A Bbot was y^e souverain head, or chiefe of those houses, which when they stood were called Abbies, & this Abbot together wth the mōks of y^e same house, who were called the couēt made a corporation: such a Souveraigne of any such house shall not be charged by y^e act of his predecessor,

morust seisi de terres ou tēts, & vn que nad droit entra en melmes les tēts, ou tēts, deuant q^{le} le heire fait son entrie, cest entrie de luy est appel vn abatement, & il vn abator. Mais si le heire enter p^{ri}mes apres le mort de lon ancestoz, & le auter enter sur le possession del heire, cest entre de luy est vn disseisin al heire. *Vide liuer denrés fol. 63.c. & 205.d. & 519.c.* lou cest abatement est appel en latin Intrusio. Et ico entende destre melius de appeller ceo in Latin Interpositio ou Intratio per interpositionem de faire difference inter ceo & Intrusion puis mort tenant pur vie.

Abbot.

A Bbe fuit le sou-raigne telle ou principall de ceux measons q^{ux} quāt ils fuerent, fuerent appel Abbies, & cē abbe ensemble oue les Moygnes de in le meason, q^{ux} fuer appel le couent, fier vn corpor, & tiel souveraigne de aucun tiel meason ne ferr charge per act de son predecessor,

A ij.

61

The exposition of

sil ne soit p cōmon seale,
ou pur tiel chose que vient
al vse de son meason. Aux
abbe ne serra charge pur
le det en q son cōmoigne
fuit in det deuant son en-
tre en religion, mesq; le
creditor ad de ceo vn es-
pecialty, sinon que il auoit
deuenus al vse de sō me-
son, mes les executors de
commoigne serra charge
oue ceo.

Vide pur ceo in le A-
bridgmēt in title, desouth
quel veies cōnt ascuns de
ceux fueront electiue, alc
presentatiue, Et cōnt fue-
ront prefect, & lour auc-
thority, & en cel title sont
auxi comprehendre tous
autres corporations spi-
rituall, come prior & son
couent, Frieres & Canons,
Deane & Chapter.

4 Abbettors.

Abbettors sont in diuers
cases diuersmēt prise: vn
kinde de abbettors sont
ceux q malicioumēt sans
droitu cause ou desert p-
cū aués de iuer faux ap-
peals de murder, ou felo-
nie enuers hōes al entent
de troubl' & gneū eux &

if it be not by cōmon seale
oz for such thinges which
commeth to the vse of his
house. Also an abbot shall
not be charged for the det
of his Monke befoze his
entre in religion, though
the creditor haue an espe-
cialtie thereof, except that
it haue come to the vse of
his house, but the execu-
tors of the Monke shalbe
charged therewith.

Awke for this in the A-
bridgments the same Ti-
tle vnder which you shall
see that some of them were
electiue, some presentatiue,
And how they were made
gouernours, and their au-
thoritie, and in this title
are also comprehendd all
other corporations spiri-
tual, as Prior and his co-
uent, friers and Canons,
Deane & Chapter.

Abbettors.

Abbettors are in diuers
cases diuersly takē: one
kind of abbettors are they
p maliciouly without iust
cause oz desert do procure
other to sue false appeals
of murther oz felonie a-
gainst mē to the intent to
trouble & greue them, and
to

Termes of the Law.

3

to bring them to infamy & slander. Abbettours in murders, are those that command, procure, counsell or comfort others to murder. And in some case such abbettozs shal be taken as principals, and in some case but as accessories. So in other felonies. And their presence at the deed doing, & their absence maketh a difference in the case. There are abbettozs also in treason, but they are in case as principals, for in treason there are no accessories.

Looke more in the booke called the Plees of the Crown made by the right worshipfull Judge Sir W. Stamford in the titles of Accessories & damages in appeale.

5 Abeiance.

A Beiance is when a lease is made for terme of life, the remainder to the right heires of I. S. which I. S. is living at the time of the graunt, Now by this graunt the remainder passeth from the grauntoz presently, yet it becometh not present-

pur faire eux en enfamy & slander. Abbettours in murder sont ceux que command, procure, counsell ou confort auters de murder. Et en ascun case tiel abbettours seront prises come principals & en ascun case forsque come accessories: Ilsint en auter felonies, Et leur presence a le chose fait, & leur absence de la, fait vn difference en le case. Il y ad abbett' auxi en treason, mes ils sont en cas come princ' car en treas. il ny ad ascun accessories.

Veies plus de ceo en le lieur appel les Plees del Crowne cõpile per le tresreuered Iudg Sir W. Staf. en les titles de Accessories & damages en appell.

Abeiance.

A Beiance est qnt vn leas est fait pur terme de vie, le remainder al droit heires de I. S. le quel I. S. est en vie al temps del grant, Ore per cest grant le remainder passa hors del grantor maintenant, vncore il ne vesta main-

A iii.

tenant,

The Exposition of

tenant, ne prist effect en le grantee, cest adire le droit heire de I. S. mes est dit desle en abeyance, ou come les Logiciens appelle ceo in potentia, ou in intellectu, & come nous diomus in nubibus, cest assavoir, en le consideration de le ley, Que si I. S. mourust cyant vn droit heire en vie, & vuant le lessee pur vie, donques ceo est vn bone remainder, & a creveste & vient en le dit droit heire, en tel sort que il soit graunt forsaic ou autrement dispose ceo, & cessa desle ore en abeyance, pur ceo que il est vn a ore de abilitie pur prendre ceo, pur ceo que I. S. est mort & ad relinquish vn droit heire en vie, le quel ne soit estre vuant I. S. car durât son vie nul soit proprement este dit son heire. Itē si vn home soit patron dun elglise, & present au ter a ceo, Ore est le fee des terres ou tenements perregrant al rectoie en le person, mes si le plon mourust & le elglise est devenu void, donque est le

ly, noz taketh hold in the grantee, that is to say, the right heire of J. S. but is said to be in abeyance, or els as the Logiciens terme it in power, or in vnderstanding, and as we say in the cloude, that is to wit, in the consideration of the law. That if J. S. die hauing a right heire, & a living the lessee for life, then this is a good remainder, & now besteth & cometh into the right heire in such sort, as that he may graunt, forsaic or otherwise dispose of same, & ceaseth to be any more in abeyance, for that there is one now of ability to take it because that J. S. is dead, & hath left a right heire in life, which could not be liuing J. S. for during his life none could properly be said his heire. Also if a man be Patron of a Church, and presenteth one to the same. Now is the fee of the landes and tenementes perteyning to the rectorie in the parson, but if the parson die and the Church is become void, then is the fee

Termes of the Law.

4

fee in abeyance, untill there be a newe Parson presented, admitted, and inducted, for the Patron hath not the fee, but onely the right to present, and the fee is in the incumbent that is presented, & after his death, it is in no body but in abeyance, till there be a new incumbent as is aforesaid.

See Lit. his 3. booke cap. 11. fol. 145. And Park. fol. 12.

6 Abisherfing.

A Bisherfing (and in some copies Missherfing) is to bee quit of amerciaments before whomsoever of transgression proved.

7 Abiuration.

A Biuration is an oth that a man or woman shall take whē they haue committed felony, & flee to the Church or churchyard, or to any other place privileged for safeguard of their liues, choosing rather perpetual banishment out of this realm, then to stand to the law & to be tried of the felony, in which case before the Coroner he shall make such confession, which may

fee en abeyance, tanque il soit vn nouel Parson present admit & induct car le Patron nad le fee, mes seulement le droit de presenter, & le fee est in le incumbent, que est present, & puis son mort, il nest en aucun mes en abeyance, tanque il soit vn nouel incumbent come est auant dit.

Veyes Lit. lib. 3. Cap. 11. Fol. 145. Et Park. fol. 12.

Abisherfing.

A Bisherfing (& in alcuni copies Missherfing) hoc est quietum esse de amerciamētis corā quibuscunq; de transgressione probata.

Abiuration.

A Biuration est vn serement, q̄ home ou feme preynont quant ils ont commise feiorie, & fue al Eglise ou cemitorie, ou autre lieu privileged pur tuitiō de leur vyes, eslysant pluistost ppetual banishment hors de Realme, que a estoier a le ley, & destre triē del felony. En cel case deuant le Coroner il fera tiel confession que puit

A. iiii.

tayre

The exposition of

faire sufficient endyte-
ment de felony, donques
le Coroner al common
ley luy ferra de abiure la
Realm & assigne a luy al
quel port il allera, & luy
iura que il ne va hors del
haut chymyn & que il ne
demurra en le port, (sil
poit auer bone passage)
torsq; vn flood & vn ebb,
& sil ne poit auer passage,
que il alera chescun iour
durant xl. iours in la
meare a son genu, Mes si
riel felon que abiure, a-
la hors de la chemine &
fue a auter lieu, si il soit
prise, il ferra amefne de-
uaunt le Iudge, & la aue-
ra iudgement destre pen-
dus. Mes sil que issint
pria la priuiledge ne voil
abiure, donques il aue-
ra la priuiledge pur xl.
iours & chescun poit luy
doner vyande. Mes si
ascun doner luy vyande
apres xl. iours, mesque
il soit la femme, tiel do-
ner est felonie. Auxy ce-
stuy que abiure ferra de-
liuer per vn Constable
a l'auter, & de vn fran-
chise a l'auter, ranque

make a sufficient indite-
ment of felony, then the
coroner at the comon law
shall make him to for-
swere the Realme, & shall
assigne him to what Port
he shal go, and shall swere
him & he go not out of the
high way, and & he should
not abide at the port (if he
maye haue good passage)
but one flood & one ebbe, &
if he cannot haue passage,
then he shall go euery daie
during xl. daies in the sea
to the knees, but if such a
felon as abiureth goe out
of the high way & flieth to
another place, if he be ta-
ken he shalbe brought be-
fore the iudge & there shall
haue iudgment to be han-
ged. But if he which so
prieth the priuiledge wil
not abiure, then he shall
haue the priuiledge for xl.
daies, and euery man may
give him meat and drink.
But if anie give him sus-
tenance after xl. daies al-
though it be his wife, such
thing is felony. Also he
that doeth abiure shall be
deliuered from one Con-
stable to another, & from
one franchises to another, til
that

Termes of the Law.

5

that he come to his port, and if the Constable will not receiue him, he shalbe grievously amerced. Look the oath in the Treatise de Abiuratione Latronū.

And this law was instituted by S. Edward the Confessor, a king of this Realme befoze the Conquest, and was grounded vpon the law of mercie, & for the loue & reuerence no doubt that he & other his successours did beare vnto the house of God, or place of prayer and administration of his woord & sacraments, which we call the Church. Note this law is now changed by the statutes 21. H. 8. ca. 2. 22. H. 8. ca. 14. and 32. H. 8. cap. 12. by which it appeareth, that he at thys day shall not abiure the Realme, but all his liberty of this Realme, and all his liberall and free habitations, resorts and passages from all places of this Realme, to one certaine place in this realm therto limited by 32. H. 8. ca. 13. & 33. H. 8. ca. 15. See more in Stamf. li. 2. ca. 10.

il vient a son port, & si le Constable ne voit receiue luy, il terra greuoument amerce. Vide iuramentum in Tractatu de Abiuratione Latronum

Et cest ley fuit instituee per S. Edward le Confessor, vn Roy de cest Realm deuant le Conquest, & fuit ground de le ley de mercie, & pur le amour & reuerence sans doubte, que il & auters ses successours porteront al meason de Dieu, ou lieu de priers & administration de son parol & sacraments, le quel nous appellomus le Esglise. Nota cel ley est ore changee per statutes 21. H. 8. ca. 2. 22. H. 8. ca. 14. & 32. H. 8. ca. 12. per queux appiert, que il a cel iour ne abiurera le Realme, eins tout son libertie de cest Realme, & tout son liberal & frank habitations, resorts & passages de tous lieux de cest Realme, a vn certaine lieu en cel Realme a ceo limit per 32. H. 8. ca. 13. & 33. H. 8. ca. 15. Vide plus inde Staf. li. 2. ca. 10.

A

The Exposition of

8 Abridgement de plaint
ou demand.

A Bridgmet de plaint ou
demand est lou vn port
vn Assise, brieve de dower,
brief de gard, ou tiel sem-
blables, en qux cases pur
ceo que le brieve de As-
sise est, de libero tenemē-
to, come en brieve de do-
wer, le brieve est, Rationa-
bilem dotē que eam con-
tingit de libero tenemēto
W. son baron. Et en vn
brief de gard le brieve est
Custod' terrarum & he-
red' &c. sans monstre af-
cun autre certaintie en les
brievs: mes en le pleint
del assise ou demand en
le brieve de dower, & en
le count en brief de gard,
le plaintife ou deman-
dant monstra le certain-
tie des acres, ou parcell
de terre, la si le tenant
plede Nontenure, ou ioin-
tenancy, ou aucun autre
tiel semblable plee a par-
cel del terre demand, en
abatement del brieve, don-
ques le plaintife ou de-
mandant poit abridger
son plaint, ou demand al
cest parcel, cē adire, il poit

Abridgement of a plaint
or demand.

A Bridgement of a plaint
or demand is where
one bringeth an Assise,
writ of dower, writ of
ward, or such like, in
which cases for that the
writ of Assise is, de libe-
ro tenemento, as in a
writ of dower, the writ is,
Rationabilem dotem que
eam contingit de libero te-
nemento W. her husband.
And in a writ of ward the
writ is Custod' terrarū &
heredis &c. without shew-
ing any certaintie in these
writs: but in the pleint of
the assise or demand in the
writ of dower, and in the
count in the writ of
ward, the plaintife or de-
mandant is to shew the
certaintie of the acres, or
parcels of land, then if the
tenant pleadeth Nonten-
ure, or iointenancy, or
some other such like plee,
to parcell of the land de-
manded in abatement of
the writ, then the plain-
tife or demandant may
abridge his playnt or
demand to that parcell,
that is to say, he may
leave

leane out that part & pray
that the tenant shall an-
swer the rest to which he
hath not yet pleaded any
thing. The cause is for
that in such writs the cer-
tainie is not set downe,
but is generally, and not-
withstanding the deman-
dant hath abridged his
plaint or demand in part,
yet the writ remaineth
good still for the rest.

9 Accedas ad Curiam.

Accedas ad Curiam is a
writ directed to the
Shirife, commaunding
him to go to such a Court
of some lord or franchise
where a plaint is sued,
for taking of beasts as a
distresse, or any false iudg-
ment is supposed to bee
made in any suit which
hath bin in such a court,
which is not a court of
record, and that the Shi-
rife shall there make re-
cord of the said suit in pre-
sence of the jurors of the
same Court, & of fower
other knights of the
Countie, & certifie it into
the kings court, and at
that day that is limited
in the writ.

omit hors cest part & prie
que le tenant respondra al
rest a que il ne ad vncore
plede ascun chose. Le
cause est pur ceo que en
tiels briefes le certainie
nest mise, mes est gene-
ralment, & nient obstant
le demandant ad abridg
son plaint ou demaund en
part, vncore le briefe de-
murre bon pur le resi-
due.

Accedas ad Curiam.

Accedas ad Curiam est
vn briefe direct al Vi-
cont, luy commaundane
de aler a tiel court dascun
seignior ou franchise lou
vn plaint est sue pur prisel
del auers come distresse,
ou ascun faux iudgement
est suppose destre fait en
ascun suit que fuit en tiel
court, quel nest court de
record, & que le Vicont
la ferra record del dit suit
en presence del iutors de
meisme le Court, & de
quatuor autres chiualers
de le Countie, & ceo re-
cord certifier al court le
Roy, & a cel iour quel est
assigne en le briefe.

10 Ac-

The exposition of

Acceptance.

A Cceptance est vn prendrans en bon gree, & come vn agreement al ascun chose fait deuant, le quel puit auer este vn fait & auoide (si tiel acceptance n'ad estre) per luy ou ceux que issint accepta, sicome pur exemple: si vn Euesque deuant statute fait anno primo. Eliz. leste terre part del possessions de son Euescherie pur ans reseruāt rent & morust, & puis vn auter est fait Euesque, le quel accepta, cest adire, prist ou receiue le rent quāt il est due & doit estre pay, ore per cest acceptance le lease est fait perfect & bon, le quel autrement le nouel Euesque poit assets bien auoide & faire frustrate.

Semblable ley est, si vn home & sa feme seisi de terres en droit del feme ioynt & font lease ou fessment per fait reseruāt rent, & le baron morust, el accepta ou receyua le rent, per cel le seoffment ou leas est fait perfect & bon

Acceptance.

A Cceptance is a taking in good part, and as it were an agreeing vnto some act don before, which might haue bin vndon & auoided (if such acceptance had not bin) by him or them that so accepted, as for example: if a Bishop before the statute made in the first yeare of Eliz. lease part of the possessions of his bishoprick for terme of yeares reseruing rent & dyeth, & after another is made Bishop, who accepteth, that is to say, taketh or receiue the rent when it is due and ought to be paid, now by this acceptance the lease is made perfect and good, which els the new Bishop might very wel haue auoided & made frustrate.

The like law is, if a man & his wife seised of land in the right of the wife ioin & make lease or fessment by deede reseruing rent, and the husband dyeth, she accepteth or receiue the rent, by this the seoffment or lease is made perfect and good, and

& shall barre her to bring
her writ called Cui in vi-
ta.

Accessories.

Accessories are in two
sorts, the one before &
offence, the other after the
offence is done, Accessorie
before the fact or offence
is he that commandeth or
procureth an other to doe
felonie, & is one there pre-
sent himselfe when the o-
ther doth it, but if hee be
present the he is also prin-
cipal. Accessorie after the
offence is hee that recet-
ueth, fauoureth, aideth,
assisteth or cōsisteth any
man that hath done anie
murder or felony whereof
hee hath knowledge, such
an accessorie shalbe puni-
shed, and shal haue iudge-
ment of life and member
aswell as the principall
which did the felony: but
such an accessorie shal ne-
uer be put to that till the
principall bee attaint or
conuict, or bee outlawed
thereupon. But a wo-
man in such case shal not
bee accessorie for helping
her husband: in great or
high Treason aswell the

& serra barre a luy de
porter sa brieve appel Cui
in vita.

1.1 Accessories.

Accessories sont en deux
sortes, lun auant le
fact, le autre puis le
fact fait. Accessorie
deuant le fait est celuy
que commāda ou procu-
ra autre de faire felony,
& nest la present luy mes-
me quānt l'auter le fait,
mes sil soit present don-
ques il est auxi principal.
Accessorie puis le fait est
celuy que receiua, fauora,
aida, assist, ou comfort
ascun home que ad fait
ascun murder ou felony,
dont il ad conuissance, tiel
accessorie serra punish, &
auera iudgement de vie
& de member, auxy bien
comē le principal que fist
le felony: Mes tiel ac-
cessorie ne serra iammais
mis a responder a ceo tā-
que le principal soit con-
uict ou attaint, ou soit
vylage de ceo. Mes vn fe-
me en tiel case ne serra
accessorie pur le aider de
son baron: en grande ou
hault Treason sibien les
com-

The Exposition of

commanders, come les assistants & receiueurs apres, sont tous foits principals.

Auxy vn poit estre accessorie al accessorie, sicōe vn feloniously receiue vn autre que est accessorie al felonie, la le receiuer est vn accessorie.

Vies plus del accessorie en le dit Lieur de les Pless del Crowne, le premier lieur, Cap. 44. 45. 46. 47. 48. 49. & 50.

12 Action.

Action est le forme de vn suit done per le ley de recouer chose, come action de det & tiels semblables.

Vide Lexicon Iuris pur action.

13 Actions personals.

Actions personals sont tiels actions per queux home claime det ou autre biens & chateux, ou damage pur eux, ou damage pur tort fait a son person, & est properment cel que en le Ciuill ley est appel Actio in personam, quæ

commanders as the assistants & receiueurs after be alwaies principals.

Also one may be accessorie to an accessorie, as if one feloniously receiue another that is accessorie to felonie, there the receiuer is an accessorie.

See more of accessorie in the said Booke of Pless of the Crowne the first booke, cap. 44. 45. 46. 47. 48. 49. & 50.

Action.

Action is the forme of a suit giuen by the lawe to recouer a thing, as an action of debte and such like.

See the Lexicon for the lawe for action.

Actions personals.

Actions personals be such actions wherby a man claymeth debte or other goods and chattels, or damage for them, or damages for wrong done to his person, and it is properly that which in the Ciuill lawe is called Actio in personam, which is brought against

agaistste him, who is bound by couenant or default to giue or grant any thing.

aduersus eum intenditur, qui ex contractu vel delicto obligatus est aliquid dare aut concedere.

14 Actions reals.

ACtions reals be such actions whereby the demandant claimeth title to any lands or tenements, rents or commons, in fee simple, fee taile, or for terme of life.

Actions reals.

ACtions reals sont tiels actions per queux le demandant claim title al ascun terres ou tenements rents ou commons, in fee simple, fee taile, ou pur terme de vie.

15 Action populer.

ACtion populer is an action which is giuen vpon the breach of some penall statute, the which action every man that will may sue for himselfe & the Quene, by information or otherwise, as the statut alloweth, and the case requireth. And of these actions there be an infinite number, but one for example is: When any of the Jury that are impanelled & sworn to passe betwene party and party indifferently, do take any thing of the one side or other, or of both parties to say their verdicts on that side, then any man that will within

Action populer.

ACtion populer est vn action que est done sur le breach dascun penal statute, le ql action chescun home q voit poit suer pur luy mesme & le Roigne, per information ou autrement, cõe le statut allow & le case require. Et de ceux actions il y ad infinite number, mes vn pur exemple est: Quant ascun del Iurie que sont impanel & iurus de passer perenter partie & partie indifferement, prist ascun chose de lun part ou lautr, ou de ambideux parties pur leur verdict dire al ceo part, donques ascun home q voit deins
lan

The exposition of

lan procheire ensuant le
offence fait, poit suer vn
briefe appel Decies tantū
enūs luy, ou ceux q̄ issint
prist pur lour verdit dire,
& pur ceo que cest action
nest don al vn home speci-
almt, mes generalment al
asc' de les peopl' del R. q̄
voit suer, il est appell vn
Action populer, mes en
cel case, quant vn auoit
commence de pursuer cel
act on, nul auter poit ceo
suer, & en ceo come
semble cel varie del acti-
on populer per le Ciuil
ley.

16 Action mixt.

Action mixt est vn suit
done per la ley de re-
couer le chose demaund,
& auxy damages pur le
tort fait, come en Assise
de Nouel disseisin, quel
briefe (si le disseisor fait
feoffment al auter) le dis-
seisee auera vers le dissei-
sor & le feoffee ou auter
terre tenant, & en ceo re-
couera son seisin del terro
& ses dammages pur le
mean profits, & pur le tort
a luy fait. Et issint est vn

the peare next following
the offence made, may sue
a writ called Decies tan-
tum, against him or them
that so did take to giue his
verdict, & because ȳ this
action is not giuen to one
specially, but generally to
any of the *Q.* people as
will sue, it is called an
Action populer, but in
this case when one hath
begun to pursue an actio,
no other may sue it, and
in this as it seemeth this
doth varie from an acti-
on populer by the Ciuil
law.

Action mixt.

Action mixt is a suit gi-
uen by the law to reco-
uer the thing demanded,
and also damages for the
wrong done, as in Assise
of Nouel disseisin. the which
writ (if the disseisor make
a feoffment to an other)
the disseisee shall haue a-
gainst the disseisor & the
feffee or other land tenar,
& therby shall recouer his
seisin of the land & his da-
mages for the mean pro-
fits, & for the wrong done
vnto him. And so is an
action

actiō of wast & Quare imp. But an action of Detinue is not called an actiō mixt although by it the thing withheld is demaunded, & shalbe reconered if it may be found, & damages for y^e withholding, & if it cānot be found, then damages for the thing & the Detaining. But that is called onely in action personal, because that it should bee brought onely for goods and chattels, or charters.

17 Action of a writ.

Action of the writ, is a phrase of speech used when one pleadeth some matter, by which he sheweth that the plaintife had no cause to haue the writ which he brought, & yet it may be, that he may haue another writ or action for the same matter: such a plea is called a plea to the action of the writ, whereas if by the plea it should appeare, that the plaintife hath no cause to haue any action, for the thing demaunded, then it shall bee called a plea to the action.

action de Wast & Quare impedit. Mes vn action de Detinu nest appel action mixt, cō t p ceo le chose detenus est demaund, & serra recouer si poit estre troue, & damages pur le detain, & si ne poit estre troue, donq; damages pur la chose & la deteiner. Mes ceo est appell solement action perlonal que serra port solement pur biens ou chattels, ou charters.

Action del brieve.

Action del brieve est vn phrase del parlante, vse quant vn plede ascun matter, per que il monstre que le plaintife nad cause dauer le brieve que il port, & vncore poit estre que il poit auer autre brieve ou action pur mesme le matter: uel plea est appell plea al action del brieve, lou si per la plea appiert que le plaintife naueroit ascun cause de auer ascun action pur le chose demand, donques ceo serra dit plea al action.

B i

Action

The Exposition of

18. Action sur le case.

Action sur le case est b^rport enuers vn pur ascū offence fait sans force, come pur nient performance del promise fait p le defendant al plaintife ou pur parlance des parols per queux le plaintife est defame, ou pur auter misdemeanor ou disceit, lon tout le case serra contenu en le brieve.

19. Action sur le statute.

Action sur le statute est brieve foundue sur ascun estatute, lou per ascun estatute vn action est done a vn en ascun case lou nul tiel actiō fut deuant; Come lou vn commit perurie al preiudice dun auter, ce uuy que est dampnifie auera brieve sur le statute & son case. Et le difference enter action sur le statute & action Populer est, que lou le statute done le suit ou action al partie griere, ou autrement, a vn person

Action vpon the case.

Action vpon the case, is a writ brought against one for an offence done without force, as for not performing promise made by the def. to the plaintife or for speaking of words, by which the plaintife is defamed, or for other misdemeanors or disceit, where the whole case shal be contained in the writ.

Action vpon the statute.

Action vpon the statute is a writ founded vpon any statute, where by any statute an action is giuen to one in any case where no action was before: As where one comitteth perurie to the preiudice of another, he which is indamaged shall haue a writ vpon the statute & his case, And the difference between action vpon the statute & action Populer is, that where the statute giueth the suite or action, to the partie grieved, or otherwise to one person

cert.

certaine, that is called
action vpon the Statute:
But where by the Sta-
tute authoritie is given
to euery one that will to
sue, that is termed action
Populer.

20 Accompt.

ACcompt is a writte and
it lyeth where a Bay-
life or a Receiuer to any
Lorde or other manne,
which ought to render
accompt, will not giue
his accompt, then hee to
whom the accompt ought
to bee giuen, shall haue
this writte. And by the
Statute of Westminster
2. Chapter 10. if the Ac-
comptant bee found in ar-
reres, the Auditours
which be assigned to him,
haue power to award him
to prison there to abide til
he haue made agreement
to the partie, But if the
Auditours will not al-
lowe reasonable expence
and costes, or if they
charge him with moe re-
ceites then they ought,
then his next friende that
will sue for him, shall
sue a writte of Ex parte

certaine, ceo est appel Ac-
tion sur le Statute: Mes
lon per le Statute autho-
ritie est done a chescun
que voyle de fuer, ceo est
appell action populer.

Accompt.

ACcompt, est vn briefe,
& gist lou Baylife ou
receiuer dascun Seignieur
ou dauter home, que doit
render accompt, ne voit
render son accompt, don-
ques reluy a que laccōpt
doit este rende, auera
cest briefe. Et per les-
tatute de Westminster 2.
Capitulo 10. si laccomp-
tant soit trouue in arrez-
ges, les Auditors que sont
a luy assignes, ount
power de agarder luy a
prison la a demurrer tan-
que il ad fait gree al par-
ty, Mes si les Auditors
re voillent allower rea-
sonable expence & cos-
tage, ou s'ils chargeront
luy oue plusieurs receiptes
quant ne duissent, don-
ques son procheine amye,
que voit fuer pur luy, au-
era vn briefe de Ex parte

talys hors del Chaunce y,
direct al Vacount de pren-
der iij. mainpernours de
rendre son corps devant
les Barons del Exchequer
a certaine iour, & de gar-
ner le Seignior dapperier
la a mesme le iour.

talys out of the Chancery
directed to the Shirefe to
take iij. mainpernours to
bring his bodie before the
Barons of the Exchequer
at a certaine day, and to
swarne y^e Lord to appeare
there at a certaine day.

21 Accord.

A Ccord est vn agreemēt
penter deux al meins
pur satisfie vn offence que
le vn ad fait al auter,
Quaunt vn home ad fait
vn trespas ou tiel sembla-
ble al auter, pur le quel il
ad agreee oue luy de sa-
tisfier & content luy oue
recompence, quel si soit
executed & perform, dō-
ques pur ceo que cest re-
compence, est vn pleine
satisfaction pur le offence,
il fera vn bon barre en le
ley, si l'auter apres l'accord
perfourme, voit suer a-
rere vn action pur mesme
le trespas.

Nota que le primer est
pprement appelle vn Ac-
cord, le aut^e est vn cōtract.

22 Acquitall.

A Cquitall est quaunt, il y
ad Seignior, mesne, &

Accord.

A Ccord is agreemēt be-
twene two at the least
to satisfie an offence that
the one hath made to the
other, when a man hath
done a Trespas, or such
like vnto another, for the
which hee hath agreed
with him, to satisfie and
content him with some
recompence, which if it
be executed and perfour-
med, then because that
this recompence, is a full
satisfaction for the offence,
it shall be a good barre in
the lawe, if the other after
y^e accord perfourmed should
sue againe any action for
the same trespas.

Note that the first is
properly called an accord,
the other a contract.

Acquitall.

A Cquitall is where ther
is a Lord, mesne, and
tenant

tenant, & the tenant holdeth of the mesne certaine landes or tenementes in frankalmoigne, frankmarriage or such like, and the mesne holdeth ouer also of the lord paramount, or aboue him. Now ought the mesne to acquit or discharge the tenant of all & euery manner of seruice, that any other shold haue or demaunde of him concerning the same landes or tenements, for that the tenant must doe his seruice to the mesne onely, and not to diuers Lordes for one tenement or parcel of land. The same law is where there is one Lord, mesne, and tenant as aforesaid, & the mesne graunteth to the tenant (vpon the tenure made betwene them) to acquite and discharge him of all rents, seruices, and such like. This discharge is called acquitall.

Like lawe is if the tenant holdeth of his mesne by like seruices, as the mesne holdeth ouer of the lord, & the tenant doth or payeth his seruices to the

tenant, & le tenant tient de le mesne certeine terres ou tenements en frakalmoigne, frankmarriage ou tiels semblables, & le mesne tient ouster auxy de le Seign paramount ou deuant luy. Ore doit le mesne acquite ou discharge le tenant, de tout & chescun maner de seruice, q̄ alcu aut voiet auer ou demaund de luy concernant mesmes les fies ou tenements, pur ceo q̄ le tenant doit fair le seruice a le mesne tantsolement, & nemy al diuers Srs pur vn teñt, ou parcel del terre. Mesm le ley est ou il est Sñr, mesne, & tenant come auardit, & le mesne graunt al tenant (sur le tenure fait parenter eux) pur acquiter & discharger luy de tous rents, seruices & tiels semblables. Cest discharge est appelle Acquitall.

Mesme le ley est, si tenant tient de son mesne per autiels seruices, come le mesne tient ouster del Seignour, & le tenant fait ou paye seruices al

B iii.

mesne,

The Exposition of

mesme, mes le mesme ne fe-
soit ses services al seigni-
or paramount, per que il
distreine les bestes del te-
nant, en cel case le mesme
pur le ouelty del services
doit acquitter le tenant
del services due al Seig-
nior.

23. Acquittance.

A Cquitance, est vn dis-
charge en elscript d'un
summe de mony, ou autre
duty, quel doit estre pay
ou fait : si come vn loit
oblige de paier mony sur
vn obligation, ou rent re-
serue sur vn leas, ou uel
semblable, & le party a
q le mony ou duty doit
estre pay, ou fait, sur le re-
ceit de ceo, ou sur autre
agreement parenter eux
ewe, fait escript, ou bil de
son mayne en discharge
de ceo, testmoinant que
il est pay, ou autrement
cōtept, & par ceo acquite,
& discharge luy de ceo, le
quel acquittance est uel
discharge & barre in le
ley, que il ne poit de-
mand & recouer mesme
le summe ou duty autre

mesme, but the mesme doth
not his services to y chief
lord, wherefore he distrei-
neth the bestes of the te-
nant. In this case the
mesme for the equaities of
the services ought to ac-
quit the tenant of the ser-
vice due unto the Lord.

Acquittance.

A quitance, is a discharge
in writing of a summe
of money, or other due tie
which ought to bee paid
or done : As if one bee
bound to pay money vpon
an obligation, or rent re-
serued vpon a lease or
such like, and the party to
whom the money or due tie
should bee paid or done,
vpon the receipt thereof,
or vpon other agreement
betwene them had, mak-
eth a writing or bill of
his hande, in discharge
therof, witnessing that he
is paid, or otherwise con-
tented, and therfore doth
acquit and discharge him
of the same, which acqui-
tance is such a discharge
& barre in the law, that he
cannot demand and reco-
uer that summe or duty a-
gain

gaine contrary therunto
if he shew the acquittance.

This word differeth
from those which in ci-
uill law be called Accep-
titatio, or Apocha, because
Acceptitatio maye bee by
word without writing, &
is nothing but a sayned
payment and discharge,
though no painēt be had,
And Apocha is a writing
witnessing the payment or
deliuey of money which
dischargeth not vnles the
money be paid.

24.

Actes.

Actes of parliament, are
positive Lawes which
consist of two partes, that
is to say of the wordes of
the Acte, and of the sence
thercof: they both ioined
together make the law.

25.

Additions.

Addition, is that which
is giuen vnto a man o-
uer and besides his pro-
per name & surname, that
is to say, to shewe of what
estate or degree or my-
stery he is, and of what
Cōtūe or Hamlet or
Countie.

26.

foits contra & ceo, si poit
monstrer le acquittance.

Cest paroll differt ab
hoc, quod in iure ciuili
acceptitatio dicitur, quia
illud fieri potest verbo si-
ne scripto, & nihil aliud
est quam ficta solutio &
liberatio, licet solutio non
sit: nec Apocha dici po-
test, quæ cautio est so-
lutæ datæue pecuniæ, quæ
non liberat nisi pecunia
soluta sit.

Actes.

Actes de parliament sont
leys positive que con-
sist de deux partes, cest
adire de les parols del act,
& del sence de ceo, & ils
ambideux ioint ensemble
font la ley.

Additions.

Addition, est ceo que est
done al home ouster
son proper nomme & sir-
nomme, cest adire, par
monstrer, de quel es-
tate, ou degree, ou mi-
stery il est, & de que
Ville ou Hamlet ou
Countie.

B iiii.

Add.

The Exposition of

Additions de estate sont
ceux, yeoman, gentleman
Esquire, & tiels ieblables.

Additions de degree sont
ceux q nous appellomus
nosmes de dignite, come
Chivaler, Conte, Marques
& Dux.

Additions de misterie
sont ceux, scriuener, pain-
ter, mason, carpenter, tai-
lor, smith, & ilsint toutes
autres de semblable na-
ture, car mystery & le craft
ou occupation, per que
home gaine son liuing.

Additions de villes cõe
Sale, Dale, & tiels autres,
& ilsint de les autres.

Et lou vn home ad hous-
hold en deux leuz, il serra
dit demurr en ambideux,
ilsint que son addition en
vn de eux suffist.

Fuit ordeine per Iesta-
tute Anno i. Henrici 5.
Cap. 5. que en lutes ou
actions, ou proces d'at-
lagarie gist, tiels addi-
tions serra al nosme de-
fendant, a decarer son
estate, misterie & lieu
ou il enhabite, & que
tiels briefs abateront sils
ne ont tiels additions.

Additions of estate are
these, yeoman, gentleman,
Esquire and such like.

Additions of degree are
those that we call names
of dignitie, as knight,
Erle, Marques & Duke.

Additions of misterie
are such, scriuener, pain-
ter, mason, carpenter, tay-
lor, smith, and so all other
of like nature, for mystery
is the craft or occupation
whereby a man getteth
his liuing.

Additions of towne as
Sale, Dale, and such o-
thers, and so of the rest.

And where a man hath
household in two places
he shalbe saide to dwell in
both of them so that his
addition in one of them
doth suffice.

By the statute the first
yere of H. the 5. & Chap-
ter the 5. it was ordeined
that in lutes or in actions
where proces of atlagar-
ry lyeth, such additions
should bre to the name of
the def. to shew his estate
misterie and place where
he dwelleth, and that such
briefs shal abate, if they
have not such additions.

If the defendant take exception thereto, but they shall not abate by the office of the Court.

Also Duke, Marques, Earle, or Knight, be none of that addition, but names of dignitie, which should haue bin giuen before the Statute.

And this was ordeined by the said Statute made in the first yeare of king H. the 5. cap. 5. to the intent, that one man might not be greued nor troubled by the vtlerie of another: But that by reason of the certaine addition, euery man might be certainly knowen and beare his owne burden,

26 Adiournement.

A Diournement is when any Court is dissolved & determined and assigned to be kept againe at another place or time, and me thinketh is compounded of two words (ad) or (al) and iour.

27 Admeasurement de Dower.

Admeasurement de dower is a writ, and it lyeth

si le defendant prist exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marquesse, Counte, ou Chiualler ne sont pas del ceux additions, mes nosmes de dignitie, queux duissent auer estre none deuant le statute.

Et ceo fuit ordeigne per le dit Statut fait en le premier an de Roy H. le 5. ca. 5. al intent q vn home ne serroit greue ne trouble pur le vtlagarie de vn autre: Mes que per reason de le certaine addition, chescun home poit estre certainmēt conus, & portera sa burden demesne.

Adiournement.

A Diournement est quant aucun Court est dissolue & determine, & assigne destre gard arrere al autre lieu ou temps, & moy semble est compound de deux parolx (ad) ou (al) & iour.

Admeasurement de Dower.

Admeasurement de dower est vn brieve, & gist lon

The Exposition of

You vn feme est endow per
 vn infant, ou per vn gar-
 dein de plais que deuoit
 auer, le heire en tiel case
 auera cest brieve, per quel
 le feme sera admeasured,
 & le heire restore a le sur-
 plusage. Mes si vn abate,
 cest adire, vn que nad
 droit enter apres le mort
 le baron, & endowe la
 feme de cestuy que est
 mort, de plus que doit
 auer, le heire nauera cest
 brieve, mes Assise de
 Mortdauncester vers la
 feme, & si el plede que el
 fuit endow de ceo terre
 come del franktenement
 sa baron, le heire mon-
 stra come el fuit en-
 dowe per le abatour, &
 que el ad plus que de-
 uoit auer, & priera que il
 soit restore al surplusage,
 & si soit trouue, il sera
 restore.

28 Admeasurement d:
 pasture.

Admeasurement de pa-
 sture, est vn brieve, &
 gift lou plurs tenants
 ont common appendant
 en autre terre, & vn sur-

where a woman is indow-
 ed by an infant, or by a
 gardain of more than shee
 ought to haue, the heire in
 such case shall haue this
 writ, by the which the
 woman shall be admeasured,
 & the heire restored to
 y^e ouerplus. But if one ab-
 bate, y^e is to say, one which
 hath no right entred
 after the death of the hus-
 band, & endow the wife of
 him that is dead, of more
 then she ought to haue, the
 heire shall not haue this
 writ, but Assise of Mort-
 dauncester against the woman,
 & if she plede that she
 was endowed of the lands
 as of the freehold of her
 husband, the heire shall shew
 how she was endowed by
 the abator, & that she had
 more then shee ought to
 haue, & shall pray that hee
 may be restored to the sur-
 plusage, and if it be founde
 he shall be restored.

Admeasurement de
 pasture.

Admeasurement de pa-
 sture is a writ, & it lieth
 where many tenants haue
 common appendant in an
 other ground, & one ouer-
 chargeth

chargeth the cōmon with many beasts: Then the other cōmoners may haue this writ against him, & also it may be brought by one commoner onely: but then it behoueth to be brought against all the other commoners, and against him that surcharged, for that all the cōmoners shalbe admeasured.

And this writ lyeth not against him, nor for him that hath cōmon appurtenant or common ingrosse, but the which haue common appendant, or common by cause of visnage.

See the diuersitie of all these cōmons afterwards in the title of Common.

Also this writ lieth not for the Lord, nor against the lord, but the lord may distrain the beasts of the tenāt that be surplussage. But if the Lord overcharge the common, the commoner hath no remedy by the cōmon law, but an Aulse of his common.

29 Administrator.

Administr is he to whom the ordinary cōmitteth the administration of the

charge le cōmon oue plusieurs auers: Denq's lauters commoners poyent auer cest brief vers luy, & auxy poit estre poit per vn commoner solemēt: mes donques couiēt estre poit vers tous lauters commoners, & vers cesty q' surcharge, pur ceo q' tous les cōmoners serront admeasures.

Et cest brieve ne gist vers luy, ne pur luy que ad common appartenant, ou common ingrosse, mes ceux que ont common appendant, ou common per cause de visnage.

Vide le diuersitie de tous ceux cōmons apres en le title de Common.

Auxy cest brieve ne gist pur le Seignior, ne vers le seignior, mes le seignior poit distraire les auers le tenant que sont surplussage. Mes si le Seignior surcharge le cōmon, les commoners nont remedy per le cōmō ley, mes vn Aulse de son common.

Administrator.

Administrator est celuy a que le ordinary cōmit le administration des biens

The Exposition of

biens la mort pur default
de executors, & action
gist vers luy, & pur luy
come pur executor, & ser-
ra charge ielques al value
des biens le mort & nient
ouster, sil ne soit per son
faux plee, ou pur ceo que
il ad wast les biens le
mort. Mes si le admini-
stratour deuie, les execu-
tors ne sont administra-
tors, mes couient al Or-
dinarie de comitt nouel
administration: Mes si
vn estrange que nest ad-
ministratour ne executor
prist les biens le mort, &
administer de son tort de-
meine, il serra charge &
sue come executor, & ne-
my come administratour en
aucun action que est port
vers luy per aucun credi-
tor. Mes si lordinarie fait
vn brief ad Colligendum
bona defuncti, celluy que
ad tel letter nest admini-
strator, mes l'action gist
vers le Ordinarie auxybi-
en come sil prist les biens
en son maine demeure,
ou per le maine de aucun
de les seruaunts per aucun
auter commandement.

goods of a dead man for
default of an executor, and
an action shall lie against
him, and for him as for an
executor, & he shalbe char-
ged to the value of the
goods of the dead man and
no further, if it bee not by
his owne false plee, or for
that that he hath wasted
the goods of the dead. But
if the administrator die,
his executors be not ad-
ministrators, but it beho-
ueth the Ordinarie to com-
mit a new administrati-
on: But if a stranger that
is not administrator nor
executor take the goods of
the dead, & administer of
his own wrong, he shalbe
charged & sued as an exe-
cutor, and not as admini-
strator in any action that
is brought against him by
any creditor. But if the
ordinary make a letter ad
Colligendum bona defuncti,
he that hath such a letter
is not administrator, but
the action lyeth against
the Ordinary as wel as if
he took the goods to his
own hand, or by the hand
of any of his seruants by
any other commandement.

Ad.

30 Admirall.

ADmirall is an officer under the Quene, & hath authoritie vpon the Sea onely to see the navy prepared and maintained to suppress and chase away robbz and rousers, and to iudge of contracts, betwene partie & partie, concerning thinges done vpon & beyond the Seas, and for that purpose hath his Court called the Admiraltie. Hee may cause his Citation to be serued vpon the lād and take the parties bodie or goods in execution vpon the land.

And also he hath cognisance of the death or maihem of a man committed in any great ship fleting in great riuers in the realme, beneath the bridges of the same next the sea.

Also to arrest ships in the great streames for the voyages of the Quene & Realme, and hath iurisdiction in the said streames during the same viages.

31 Ad quod dampnum.

AD quod dampnum is a writte which ought to

Admiral.

ADmirall est vn officer South le Roigne, que ad aucthority sur le mere tantum, pur veier le nauie repaire & maintain pur suppresser & chaser dehors estmures de mere, & de faire droit de contractes perenter partie & partie, concernant chose fait sur & ouster le mere, & pur cest purpos il ad sō courre appel le Admiraltie. Il poit causer son Citation destre serue sur le terre & prendre le corps del party ou biens en execution sur le terre.

Itē il ad cognisance del mort ou maihem de vn home fait en ascun grand niese fleting en graund ryuers en le Realme, de base les pōtes de eux prochain al mere.

Auxy pur arrest nieses en les graund streames pur les voyages del Roigne & realm, & ad iurisdiction en les dits streames durāt mesme viages.

Ad quod dampnum.

AD quod dampnum est vn briefe que doit este
sue

The Exposition of

sue deuant le Roy grant certaine liberties: Come faire, market, ou tiels semblables queux poient este preiudicial al auters. Et per ceo serra inquire si seroit preiudice a graunter eux, & a que serra preiudicial, & que preiudice ent auendra.

be sued before the R. grāt certaine liberties: As a faire, market, or such like which may be preiudicial to others. And by it shall be inquired if it should be a preiudice to graunt the, and to whome it shall be preiudicial, and what preiudice shal come thereby.

32 Aduowson.

ADuowson est lou un home & ses heires ont droit de presenter leur clerke al Ordinarie al vn parsonage, ou auter spiritual benefice quāt il deuiant void. Et celuy que ad tiel droit de presenter est appel patron.

Aduowson.

ADuowson is where a man & his heires haue right to present their clerk to the Ordinarie to a parsonage, or other spiritual benefice when it becometh void. And he which hath such right to present is called Patron.

33 Age prier.

AGe prier est quant action est port vers enfant de terre que il ad per discent, la il monstra le matter al court, & priera que le action demurra tanque a son plein age de xxi. ans, & issint p agard del Court le suit surcessera.

Mes en bri. se de Dower & en Assise, & auxy en tiels actions lou le in-

Age prier.

AGe prier is whē an action is brought against an infant of lands which hee hath by discent, there he shal shew the matter to the court, & shal pray that the action may stay til his full age of xxi. yeares, & so by awarde of the Court, the suit shal surcease.

But in a writ of dower and in Assise, and also in such actions wher the infant

fant is supposed to come to the land demaunded by his owne wrong, he shall not haue his age.

Also note wel that there be many diuersities of ages, for the Lorde shall haue aide of his tenant in Socage for to marie his daughter, when y^e daughter of the Lorde is of the age of seauen yeares. And also ayde for to make his sonne and heire knight, when he is of the age of seuen yeares. Also a woman which is married at the age of ix. yeares, if her husband die seised shall haue Dower, and not before nine yeares.

Also xiiij. yerres is the age of a woman that shee shal not be in ward if shee were of such age at y^e tyme of the death of her auncestor, but if she were with- in the age of xiiij. yerres, & in ward of the Lord, then shee shalbe in ward till the age of xvi. yerres. And also xxi. yerres is the age of the heire male to be in ward, & after y^e ent of ward. And also it is y^e age of male & female to sue & to be sued of

fant est suppose a. venger al terre en demaund de son tort demesne, il n'aura sa age.

Auxy nota que sont plusors diuersities de ages, car le Seignior aura aide de son tenant en Socage pur marrier sa fille, quant le file le seignior est del age de sept ans. Et auxy aide pur faire son fies & heire chivalier, quant il est del age de sept ans.

Auxy feme que est espouse al age de ix. ans, si la baron morust seisi aura Dower, & nemy deuant ix. ans.

Auxy xiiij. ans est le age de feme que ne sera en gard, si el fuit de tiel age al temps del mort son auncestor, mes si el fuit deins age de xiiij. ans, & en gard son Seignior, donques el sera en gard tanque al age de xvi. ans. Et auxy xxi. ans est le age de heire male destre en gard, & apres ceo hors de gard. Et auxy il est le age de male & female de suer & destre sue des terres

The Exposition of

terres, q̄ ils ont ou claime
per discent & de fair̄ tous
manners contracts & bar-
gaines & nient deuant:
mes si tiel infaunt deins
age de xxi. ans done ses
biēs, & le donne eux prist,
lenfant poet auer vn acti-
on de trespas, mes autermt
il est sil deliuer eux.

24 Agreement.

Agreement, est en cest
manner define ou ex-
pounde en Master Plow-
dens Commentaries. Ag-
greementum, est vn pa-
rol compounde de deux
parolx, cestascavoir, de
Aggregatio & Mentium,
cest a dire agreement de
ments, issint que aggre-
mentum est aggregatio
mentiu in re aliqua facta
vel facienda, & per le con-
traction de les deux pa-
rolx, Aggregatio & Men-
tium, & per le correpte &
briefe parlance de eux, ils
sont fait vn parol, cest-
ascavoir, Aggreementum,
le quel nest auter chose,
que vn vnion, collecte,
copulation & coniuncti-
on de deux ou plusieurs

lands which they haue or
claime by discent, and to
make almaner of contracts
and bargains, and not be-
fore: but if such an infant
within y age of 21. yeares
gine his goods and y do-
nee take them, the infaunt
may haue action of trespas,
but otherwise it is if
he deliuer them himselfe.

Agreement.

Agreement, is after this
sort defined or expoun-
ded in Master Plowdens
Commentaries. Aggre-
mentum is a word com-
pounded of two wordes
namely, of Aggregatio, &
Mentium, that is to say,
agreement of mindes, so
that agreement is a con-
sent of mindes in some
things done or to be done,
and by drawing together
of the two wordes, Ag-
gregatio and Mentium,
and by the hastie and
short pronouncing of them
they be made one word,
to witte, Aggreementum,
which is no other thing
then a topning, putting,
copling and knitting to-
gether of two or more
mindes

mines in any thing done
or to be done. (See after
in testament.) And this a-
greement is in three man-
ners.

The first is an agree-
ment executed already at
the beginning.

The second is an agree-
ment after an act done by
another, and is an agree-
ment executed also.

The third is an agree-
ment executory or to be done
in time yet to come.

The first which is an
agreement executed already
at the beginning is such,
whereof mention is made
in the statute of 25. Ed. 3.
cap. 3. of clothes in the 4.
statute, which saith: That
the goods and things
bought by forestallers, be-
ing thereof attainted shall
be forfeit to the Queene, if
the buyer thereof haue
made gree with the seller.
In which case the worde
(Gree) which is otherwise
called agreement, shall be
understood agreement exe-
cuted, that is, payment for
the things.

The second manner of a-
greement is where one doth

ments in ascun chose fait
ou destte fait. (Veies apres
en testament.) Et cest a-
greement est in 3. ma-
ners.

Le primer est vn agre-
ment executed en fait al
commencement.

Le second, est vn agre-
ment puis vn act fait per
auter, & est vn agreement
executed auxy.

Le tierce est vn agrement
executory ou destte fait en
temps vncore a venir.

Le primer que est vn a-
greement executed en fait
al commencement, est tel
de que mention est fait en
le statute de 25. Ed. 3. cap.
3. de pannis in le quart
Statute que dit, que les
biens & choses achates
per forestallers, que de ceo
serroient attaintes soient for-
faites al Roygne, si le a-
chator ent vlt fait gree al
vendour. En quel case, cest
paiol (Gree) que est auter-
ment appel agreement,
serra eniende agreement
execute, viz. paiement par
les choses.

Le second maner de a-
greement est lou vn fait

The Exposition of

vn chose ou acte, & vn
auter agree ou assent a
ceo apres, come si vn fait
disseisin a mon vse, & a-
pres ieo agree a ceo, ore
ieo serra disse for ab ini-
tio, & tiel agreement est
vn agreement puy vn acte
fait.

Le tierce agreement est
quant ambideux parties
a vn temps sont accords
que tiel chose serra fait en
temps a vener, & ceo agree-
ment est executoire entant
que le chose serra fait a-
pres, & vncore la lour
ments accord a vn temps.
Mes entant que le perfor-
mance serra apres, & issint
le chose sur que lagremet
fuit fait, remaine a faire,
ceo agreement serra dit
executoire. Et ceo le Sta-
tute de 26. H. 8. Cap. 3.
proue, ou il dit, q chescun
Vicar, Parson & tiel &c.
deuant lour actual pos-
session ou medling oue les
profits de lour benefice sa-
tisfiers, content &c. ou a-
greera a paier al vse le
Roigne les primer fruits
&c. Et si ale tiel Parson, vic-
&c. enter e actual posses-

a thing, or act, & another a-
grees or assents thereto af-
terwards, as if one doe a
disseisin to my vse, & after-
ward I agree to it, now I
shall be a disseisor from the
beginning, and such agree-
ment is an agreement af-
ter an act done.

The third agreement is
when both parties at one
time are agreed that such
a thing shalbe don in time
to come, and this agree-
ment is executoire in as
much as the thing shall be
done after, and yet there,
their minds agreed at one
time. But because y per-
formace shalbe after ward
and the thing vpon which
the agreement was made
remaines to be done, that
agreement shalbe said exe-
cutoire. And that the Sta-
tute of 26. H. 8. cap. 3. doth
proue where it saith, that
every vicar, parson & such
like &c. before their actu-
all possession, or medling
w the profits of their be-
nefices shal satisfie, contēt
or agree to paye to the
R. the first fruits &c. & if
any such parson or vicar,
&c. enter in actual posses-
sion,

Non, &c. this agreement is to be vnderstood executory as the comon vse proues, for it is vsed that he with one or two with him doe make two or three obligations for it to be payed at certayne dates after, and this agreement executory is deuided into ij. points. One is an agreement executorie which is certaine at the beginning, as is said last befoze of the first frutes.

The other is where the certaintie both not appere at the first, and the parties are agreed that the thing shall be perfozmed or paid vpon the certaintie knowen as if one sell to another all his wheate in such a tasse in his barne vntreshed, and it is agreed betwene them that he shall pay for euery bushel 12. d. when it is threshed, cleaned and measured.

35

Ayde.

AYde, is when a tenant for terme of life, tenant in dower, tenant by curtesie, or tenant in taile after possibility of issue ex-

tion, &c. ceo agreement est deste entende executory, come le common vsage proue, car est vse, que il oue vn ou deux oue luy faief deux vel trois obligations pur ceo deste pay en certa ne iours apres, & cest agreement executory est deuide in deux points. Vn est agreement executory, que est certaine al commencement, come est dit darraine deuant del premier frutes.

L'autre est lou le certaintie nappert al primes & les parties sont accords q le chose serra perfozme, ou pay sur le certaintie conus, come si vn vend al autre tout son wheat en tel tasse en son barne nient thresh, & il est agree payer euz, que il payera pur chescun bushell 12. d. quant il est thresh, cleane, & measure.

Ayde.

AYde, est quant tenaunt a terme de vie, tenant en dower, tenaunt per le curtesie, ou tenant en taile aps possibility of issue ex-

C ij.

finis

finet est implede, donques pur ceo que ils nont que estate pur terme de vic, ils praiseront aide de cestuy in le reuerfion, & proces sera fait p briefe vers luy, de vener & pleder oue le tenant, en defence del terre si voyl, mes il couient, que ils accorde en plee: car s'ils varie, le plee le tenant, sera prise, & donques leyde pryer est en vaine, mes si ne vient al second briefe, le tenant respondera sole.

Auxy tenant pur terme de ans, tenant a volunt, tenant per Elegit, & tenant p r statute marchand aueront ayde de cestuy en la reuerfion, & le seruant & bayly de leur Maister, quant ils ont fait aucun chose loyallyment, & le droit leur maister, aueront ayde.

36 Ayde de Roy.

AYde de Roy, est en semblable case come est dit deuant de comun person, & auxy en plusors autres cases, lou le roy puyt auer perde, coment que le ternaunt soit ternaunt in fee

that is impleaded then for that they haue no estate but for tearme of life, they shall pray in ayde of him in the reuerfion & proces shall bee made by writ against him, to come & pleder with the tenant in the defence of the land if he will, but it behoueth that they agree in the plee, for if they vary, the plee of the tenant shall be taken and then the aide prayer is void, but if hee come not at the second writ, then the tenant shall answers sole.

Also tenant for terme of yeeres, tenant at will, tenant by Elegit, and tenant by statute merchant, shall haue aide of him in the reuerfion, and the seruant & bayly of their master, whē they haue done any thing lawfully in the right of their master, shall haue aid.

Ayde de Roy.

AId of the king, is in like case as it is said before of a common person, and also in many other cases where the king may haue losse, although that the ternaunt bee ternaunt in fee simple

simple he shall haue aide, as if a rent be demaunded against the kings tenant, which holdeith in chiefe, he shal haue aid and so he shal not of a common person.

And where a Citty or Borough hath a fee farme of the king, and any thing be demaunded against the which belongeth to the fee farme, they shal haue aide for the losse of the king.

Also a man shall haue aide of the King in the Steele of vouchier. Also the Kings Bailife, the Collectour, and Purueyours shal haue ayde of the King, as well as the officers of other persons.

Ayle.

Ayle is a writ which lyeth where land descendeth from the graundfather to his nephews, s. the sonne or daughter of the sonne of the graundfather, the father being dead before the entrie by him, and one abateth, the heire shall haue against the abator this writ.

simple, il auera ayde, Come si vn rent soit demaunde vers tenant le Roy, que tient en chiefe, il auera ayde, & issint auera de autre person.

Auxy lou vn Citie ou Borough ad vn fee farme del Roy, & aucun chose est demaund vers eux que appertene al fee farme, ils aueront ayde pur le perde le Roy.

Auxy home auera ayde de Roy en lieu de vouchier. Auxy le Bayliffe, Collectour & Purueyours del Roy aueront ayde del Roy, auxy bien come les officers de autres persons.

Ayle.

Ayle, est vn briefe que gist lou terre de l'end de layel a son neuiew, viz. fils, ou file del fies de layell, le pier estant mort, deuant entrie per luy, & vn abate, le heire auera vers le abator cel briefe.

C. iii.

Alien

The Exposition of

38

Alien.

A Lien, est celuy q̄ pere & il n'eime fuer am-
bideux nee hors del le-
geance le Roygne, & si
uel a'i n, nestaut vn ene-
my del Roigne, mes vn a-
lien amy vient & demurr
ey en Engleterre & ad is-
sue, cest issue nē ali. n mes
Anglois. Ilsint si vn an-
glois ala ouster le n ere
cuc le licēce del roign &
la ad issu, cē issu nē alien.

39

Alienation.

A Lienation, idem est, q̄
alienum facer de alter,
ou mitter le possession de
terre ou autre chose de lun
home al autre.

40

Ambi lexter

A Mbi lexter, est celuy
que quaut vn matter
est in suit parenter homs,
prist money de lun part,
& del autre, ou par labor
le suit, ou t̄els sembla-
bles, ou sil soit del iury,
pur dire son verdict.

41

An endiment.

A Mendement, est quant
error est en le Proces,

Alien.

A Lien is he whose father
and himselfe were with
borne out of the Quenes
legesance, and if such an a-
lien bring none of the Q.
encintes, but an aliē friend
come & dwell here in En-
gland and haue issue, this
issue is not alien but En-
glish. So if an English
mango over the seas with
the Quenes licence and
there hath issue, this issue
is no alien.

Ali: nation.

A Lienation, is as much
to saye, as to make a
thing another mans, or to
alter or put y possession of
lands or other thing from
one man to another.

Ambidexter.

A Mbidexter, is hee that
whē a matter is in suit
betwēne men, taketh mo-
ney of the one side and of
the other, either to labour
the suit or such like, or if
he be of the Jury, to say
his verdict.

Amendement.

A Mendement, is when
error is in the Proces,
the

the Iustices may amend it after iudgement. But if there be errour in giuing of iudgement, they may not amend it, but the party is put to his swithe of erroz. And in many cases where the default appeareth in the clark that writ the Record it shal be amended: But such things as come by information of the party as the towne, mistery, and such like, shal not be amended, for hee must informe true vppon his perill.

les Iustices poient ceo amender apres iudgement. Mes si error soit en iudgement done, ils ne poyent amender ceo, mes le partie est mise al briesse de errour. Et in plusors cases lou le default appiert en le clerk q̄ escriera la Record il serra amende: Mes tiels choses que vient per information del partie cōe le ville, mistery, & huiusmodi ne serra amend, car il doit informer veray a son perill.

42. Amercement.

Amercement.

A Mercement, most properly is a penalty assessed by the piers or equals of the party amerced, for an offence done, as for lacke of suit of Court, or for not amending of some thing that he was appointed to redresse by a certaine time before, or for such like cause, in which case, the party which offendeth putteth himselfe in the mercy of the king or Lorde, and thereupon this penalty is called Amercement.

A Mercement, plus proprement est vn penaltie assesse per les piers ou pares del partie amercie, pur vn offence fait, come pur default de suit de court, ou pur non amendement de ascun chose que il fuit appoint de redresser deuant, ou pur tiel semblable cause, en quel case la partie que offend soy mist en le mercie del roy ou Seigniour, & sur ceo cel penaltie est appel Amercement.

C. iiii.

Amer-

The Exposition of

43 Amercement royal.

A Mercement royal, est quant vn Vicont, Corron ou aut tiel officer del Roigne est amercie p les Justices pur son misme meaning en le office, qre si ne lerra dit fine.

44 An, iour & wast.

A N, iour & wast, est vn forfaiture, quant vn hœe ad fait petit treason ou felony, & ad terres queux il tient de ascun common person, qux terra seisi pur le Roigne & remain en sa maines p la space de vn an & vn iour procheine apres le attainder, & donques les arbres seront defosse, les measons seront rales, & les pastures, & prees aires & plowed, si non que il, a que le terre deuenera per leschere ou forfaiture, ne ceo redeem de Roy, vn chose le plus de greuer le offenders & terrifie auters de cader en autiel, en demonstration, coment le ley detest leur offence, cy auant issint que il execute iudgement &

Amercement royal.

A Mercement royall, is when a sherife, Coroner or other such Officer of the Quene is amerced by the Justices for his abuse in the office, where it is shall not be said a fine.

An, iour & wast.

A N, iour & wast, is a forfeiture when a man hath committed petit treason, or felony, and hath landes which he holdeth of some comon person, which shall be seised for the Quene, and remaine in her hands by the space of one yere & a day next after the attainder, and then the trees shall be digged vp, the houses shall be raised & pulled downe, and the pastures & meadowes eied & plowed vp, so that he to whom the lande should come by eschete or forfeiture do not redeeme it of the King, a thing the moze to geiue the offenders and terrefie others to fall into the like, in shewing how the lawe doth detest their offence so farre sooth as that it doth execute iudgement & punish.

punishment euen vpon
their dumb & dead things

punishment sur leur mute
& mort choses.

45 Annuite.

ANnuite, is a certaine
summe of money grant-
ted to an other in fee sim-
ple, fee taile, for terme of
life, or for terme of yeres,
to recetue of the grauntoz
or of his heires, so that
no freholde is charged
therewith, whereof a man
shal neuer haue a suse nor
other action, but a writ of
Annuite, and it is none
assets to the heire of the
grauntee to whom it shall
descend.

Annuite.

ANnuite, est vn certain-
sūme de money grant
al vn autre, en fee simple,
fee taile, pur terme de vie,
ou pur terme de ans, a re-
ceiuer del grantor ou ses
heires, issint q nul frank-
tenement est charge de
ceo, de que home nauera
vnques Als il ne autre ac-
tion, forsque briefe de
Annuite, & nest aucun as-
sets al heire le grauntee a
que il descendra.

46 Appeale.

APpeale, is where one
hath done murder, rob-
bery, or mayhem, then the
wife of him that is slaine
shall haue an action of ap-
peale against the murthe-
rer, but if he haue no wife
then his next heire male
shall haue the appeal at a-
ny time within a yere and
a day after the dede, And
also he that is so robbed
or maymed shall haue his
appeale, and if the defen-
dant be acquitted, he shall

Appeale.

APpeale, est lou vn ad
fait murder, robbrie
ou mayhem, donques la
feme cestuy que est tue,
auera vn action de ap-
peale vers le murderer,
mes sil nad femme, don-
ques son procheine heire
male auera le appeale a
alcun temps deins lan
& iour apres le fact, Et
auxy cestuy que est issint
robbe ou maymed aue-
ra son appeale, & si le de-
fendant soit acquite, il
reco-

The Exposition of

recouera damages vers le
appellour & libbettours,
& ils aueront le imprison-
ment dun an, & fera fine
al Roy. Appeale de may-
hem nest en manner fors-
que action de trespas, car
il ne recouera forsque da-
mages.

47 Appellant.

Appellant est le plaintif
en le appeale.

48 Appellour.

Appellour ou Approuer,
est cesty q ad f it ascun
felonie le quel il confesse
& a ore appeale, ou ap-
prone, cest adire, accuse
autres que fueront coad-
iutors ou aiders ouc luy en
feasans de ceo, ou autres
felonies, le quel chose il
voile approuer, & pur ceo
est appelle en latin Pro-
bator.

49 Appendant & ap- purtenant.

Appendant & appurte-
nant, sont choses que
per temps de prescription
ont belong, appertain, &
sont ioune al yn auter prin-
cipal chose, ouesque que

recouer damages against
the appelloz and thabbet-
tozs, and they shall haue
the imprisonmēt of a yere,
and shall make fine to the
King. An appeal of may-
hem is in manner but a
trespas, for he shall reco-
uer but damages.

Appellant.

Appellant is the plaintiff
in the appeal.

Appellour.

Appellour or Approuer,
is he who hath com-
mitted some felony which
he confesseth and now ap-
pealeth or approueth, that
is to say, accuseth others
which were coadiutors or
helpers with him in doing
the same, or other felonies,
which thing he will ap-
prone and therefore is cal-
led in latin Probator.

Appendant & Ap- purtenant.

Appendant & appurte-
nant, are things that by
time of prescription haue
belonged, appertayned,
and are ioynd to an other
principall thing, by which
they

they passe and go as necessary to the same principal thing, by vertue of these wordes Pertinentijs: as landes, aduowsons, commons, piscaries, wayes, courts, and diuers such like, to a mannor house, office, or such others.

50 Apporcionment.

Apporcionment is a deviding into partes of a rent (which is devidable and not intier or whole) & forasmuch as the thing out of which it was to be paid is seperated and deuided, the rent also shal be deuided hauing respect to the partes. As if a man haue a rent seruice issuing out of landes, and he purchaseth parcell of the land, the rent shal be apporcioned, according to the value of the land.

So if a man hold his land of an other by homage, fealtie, escuage, and certaiu rent, if the Lord of whom the land is holden purchase parcell of the land the rént shalbe apporcioned.

Also if a man let landes for yeres reseruing rent, and after a stranger re-

ils passont & va come necessary al mesme principal chose, per vertue de ceux parolx Pertinentijs: come terre, aduowsons, cōmōs, piscaries, chemins courts, & diuers tielx semblables, l'un manor, maison, office, ou t els autres.

Apporcionment.

Apporcionmēt est vn deuidng en parts de vn rent (le quel est devidable & nient intier ou whole) & entant que le chose hors de quel il fuit destte pay, est seperate & deuide, le rent auxy leira deuide, ayant respēct a les partes. Sicome vn home ad vn rent seruice issuant hors de terres, & il purchase parcell de le terre, le rent leira apporcion, accordant al value del terre.

Issint si home tient son terre dun autre per homage, fealtie, escuage, & certaiu rent, si le Seignior de que le terre est tenu purchase parcell del terre le rent leira apporcion.

Item si home lessa terres pur ans reseuant rent, & apres vn estrange recouert

The Exposition of

couer part de le terre,
donques le rent sera ap-
portioné, cest adire deuide,
& le lessee payera ayant
respect a ceo que est re-
couer, & a ceo que ore re-
maine en ses maines ac-
cordant al value.

Mes vn rent charge ne
poit estre apportion, ne
choses que sont entier: Si-
come vn tient terres per
seruice de payer a son
Seignior annuelmēt a tiel
feast, vn chivaler, esperuer,
vn rose, vn chery, ou tiels
semblables, la si le Seig-
nior purchase parcel de la
terre, cest seruice est tout
ale, pur ceo que vn chival,
esperuer, rose, ou vn che-
ry, & tielx autres ne poiēt
estre deuide, seuered, ou
apportion sans damage al
entierie.

51 Appropriation.

Appropriations fueront
quant ceux meafons de
le Romish Religion, &
ceux Religious persons,
come Abbots, Priors, &
tielx semblables, auoient le
aduowson de ascun parso-
nage al eux & a leur suc-
cessors, & obtain licence

concereth part of the land,
then the rent shall be ap-
portioned, that is to say
deuided, and the lessee shall
pay having respect to that
which is recouered, & to
that which yet remaines
in his handes according
to the value.

But a rent charge can-
not be apportioned, nor
things that are entier:
As if one hold land by
seruice to pay to his Lord
perely at such a feast, a
horse, a hawke, a Rose, a
Cherie, or such like, there
if the Lord purchase par-
cell of the land, this ser-
uice is gone altogether,
because a horse, a hawke,
a rose, a cherie, and such
other can not bee deui-
ded, seuered, or appor-
tioned without hurt to
the whole.

Appropriations.

Appropriations were whē
those houses of the Ro-
mish Religion, and those
Religious persons, as
Abbots, Priors, and such
like, had the aduowson of
any personage to them
& to their successors, and
obtainned licence of their
holy

holy father the Pope, and of the Ordinarie & King, that they themselves, and their successors fro thence forth should bee parsons there, and that it shall bee from thence forth a vicarage, and that the Vicar shall serue the cure. And so at the beginning Appropriations were made onely to those persons spiritual that could Minister the Sacraments, and say deuine seruice, as Abbots, Priors, Deanes, & such like. After by a little and little they were enlarged & made to other, as namely to a Deane and Chapter, which is a body corporate consisting of many, which body together could not say deuine seruice, and that more was to Nuns that were prioresses of some Nunnery, which was a wicked thing, insomuch as they could neither minister Sacramentes nor preach, nor say deuine seruice to the parishioners.

And all this was vpon pretence of hospitality and maintenance thereof. And to supplie these defectes

de leur S. Pere le Pape, & de le Ordinarie & Roy, q'ils mesmes & leur successeurs de ceo en auant doient este parsons la, & il ferra en auant vn vicar, & que le Vicar seruera le cure. Et issint al commencement Appropriations furent faites seulement a ceux persons spirituals, que puilloient minister les Sacraments, & dire deuine seruice, come Abbes, Priors, Deanes, & tiels semblables. Apres par petite & petite ils furent enlarge & fait autres, come noismement al Deane & Chapter, quel est corps corporat, consistant de plusieurs, q'il corps ensemble ne puilloit dire deuine seruice: & que plus fuit, al Nuns que fueront Prioresses de alcun Nunry quel fuit chose horrible, entant q'ils ne puilloient minister Sacraments ne preacher, ne dire deuine seruice al parochians.

Et tout ceo fuit sur pretence de hospitalite & maintenance de ycel. Et de supplier cel defectes

The Exposition of

vn vicar fuit deuise, quel serroit deputie al Piores ou Deane & Chapter, & auxy al darrein al dit Abbeys & auters a dire deuine seruice, & il aueroit pur son labour forsqi petite portion, & ils a quel le appropriations fueront fait reteigneront le grand reuenues, & ils fe oient riens pur ceo, per meanes de quel hospitalite decay en le lieu ou il doit estre chiefement garde, notamment en le Parish ou le benefice fuit, & ou les profits cressoient, & ainsi il continue tanque a cest iour, al graund hinderance de erudition, al impouerishment de le ministerie, & le infamie de le Gospell & le professors de ycel.

Le Vicar auera vn certaine portion del benefice, & que le Abbe & le Couent serront parsons & aueront les auters profits: Cest appel vn appropriation, & donques le Abbe & le couent serront parsons imparsones. Mes tel appropriation

a vicar was deuised, who should bee Deputie to the Piores, or to the Deane and Chapter, and also at the last to the said Abbots and others to say deuine seruice, & should haue for his labour but a little portion, and they to whom the appropriations were made shoulde retayne the great reuenues, & they did nothing for it, by meanes whereof hospitalite decayed in the place where it ought to haue been chiefly maintained, namely in the parish where the benefice was, & where the profits did growe, & so it continueth to this day, to the great hinderance of learning, to the impouerishment of the ministerie, and to the infamy of the Gospel and professors thereof.

The Vicar shall haue certaine portion of the benefice, and the Abbot and the Couent shall be parsons and shall haue the other profits: This is called appropriation, & then the Abbot & Couent shall be parsons imparsones. But such appropriation may

may not be made to begin in the life of the parson without his assent.

But if such aduowson of the parsonage be recovered by ancient title, the Appropriation is aduul. And it is called appropriation, for that they holde the profits to their owne proper vse.

52 Approuement.

Approuement is where a man hath common in the Lordes wast ground, and the Lord incloseth part of the wast for himselfe, leauing nevertheless sufficient common with egresse and regresse for the commoners: This inclosing is called approuement.

53 Arbitrement.

Arbitrement is an award, determination, or iudgment, which one or more maketh at the request of two parties at the least, for, & vpon some debt, trespass, or other controuersie had betwene the said parties. And this is called in Latin Arbitratus and Arbitrium.

ne poir estre fait a commencer en le vie lo parson sans son assent.

Mes si tel aduowson del parsonage soit recouer per auncient title, donqs lapropriation est adnul. Et est appel appropriation, pur ceo que ils reigne les profits al leur prop vse.

Approuement.

Approuement est lou vn home ad common en le wast terre del Seignior, & le Seignior enclose part del wast terre pur luy meisme, relinquant nient obstant suffisent common oue egresse & regresse pur les commoners: Cest enclosure est appel approuement.

Arbitrement.

Arbitrement est vn award, determination, ou iudgment, quel vn ou plurs font al request de deux parties al meins, pur, & sur aucun det, trespass, ou autre controuersie ew perenter les dits parties. Et cest appel en Latin Arbitratus & Arbitrium,

trium, & ils que font le
awarde vous arbitrement
sont appel Arbitri, en An-
glois Arbitrators.

34 Arrest.

A Rrest est quant on est
prise & restrain a son
libertie. Nul sera arrest
pur det, trespass, detinue,
ou autre cause de ac-
tion, mes per vertue dun
precept ou commande-
ment hors de aucun court.
Mes pur Treason, Felony,
ou debruier del pece,
chescun home ad auctho-
ritie de arrester sans gar-
rantie ou precept. Et lou
un sera arrest pur felonie,
il couient que aucun felo-
nie soit fait, & que il soit
suspect de mesme le felo-
nie, ou autrement il poit
auer euer luy que issint
luy arrest un brief de
faux imprisonment. Et
quant aucun home est ar-
rest pur felony, il sera a-
mesme a le garde, la a de-
murer tanque al prochain
session pur estre indiet,
ou pur estre relache per
proclamation.

trium, and they that make
the award or arbitrement
are called Arbitri, in En-
glish Arbitrators.

Arrest.

A Rrest is when one is
taken and restrained
from his libertie. None
shall be arrested for debt,
trespass, detinue, or o-
ther cause of action, but by
vertue of a precept or com-
mandement out of some
court. But for Treason,
Felony, or breaking of
the pece, every man hath
aucthority to arrest with-
out warrant or precept.
And where one shall be ar-
rested for Felony, it be-
cometh that some felonie
be done, and that he be
suspected of the same fe-
lonie, or otherwise he may
have against him that so
did arrest him a writ of
false imprisonment. And
when any man shall be
arrested for Felony, he
shall be brought to the
Gaile, there to abide un-
till the next Sessions for
to be indicted, or for to be
delivered by proclama-
tion.

55 Arrerages.

A Rrerages are duties be-
hind vnpaide after the
daies and times in which
they were due, and ought
to haue beene payd whe-
ther they be rent of a ma-
nor or any other thing re-
ferned.

56 Assets.

A Ssets is in two sortes,
the one called (assets per
discent) the other (assets
enter maines.) Assets per
discent is where a man is
bound in an obligation, &
dieth seysed of lands in fee
simple, which descend to
his heire, then his lande
shalbe called assets, that is
to say, enough or sufficiēt
to pay the same debt, & by
that meanes the heire shal
be charged as farre as the
land so to him descended
will stretch. But if hee
haue aliened before y^e ob-
ligation be put in suite he
is discharged.

Also when a man seys-
sed of landes in taylor, or
in the right of his wife
alieneth the same with
warrantie, and hath in
value as much landes in

Arrerages.

A Rrerages sont duties
arriere nient pay apres
le iours & temps, en quel
ils fueront dues, & doyent
auer estre paies, soyent il
rent de mannor, ou ascun
auter chose referue.

Assets.

A Ssets est en deux sortes
lun appel (assets per
discent) lautre (Assets en-
ter maines) Assets per
discent est lou vn home
est obligé en vn obliga-
tion & morust scily de ter-
res de fee simple, queux
descende a son heire, don-
ques cest terre serra appel
assets, cest adire sufficient
de payer cest dette & per
cest meanes le heire ser-
ra charge cy auant que le
terre issint a luy descende
voyle stretch. Mes sil ad
alien deuant que le obli-
gation soit mise en suite, il
est discharge.

Auxy quaut vn home
seisie de terre en taylor, ou
en droit de son feme, ali-
en ceo oue garrantie, &
ad en value tant terre en

The Exposition of

fee simple que descende a son heire: q est auxy heire en taile ou heire al femr. Ore si le heire apres le mort son ancestoz port vn briefe de Formedon ou sur cui in vita, pur le terre issint alien, dōques il serra barre per reason dun garranty & le terre issint descend, que est tant en value come ceo q fut vende, & issint per ceo il nad receiue ascun prejudice, & per ceo cest terre est appel Assets per descent.

Assets enter maines est quant vn home ender, come deuant est dit, fait executors & relinquit a eux suffic de paier, ou ascun commodi ou profit est venus al eux en droit lour testatour, cest appel Assets en lour maines.

57 Assignee.

Assignee est celuy a que vn chose est appoint, ou assigne destre occupy, pay ou fait, & est toutes foies tiel person, que occupy ou ad le chose issint assigne en son droit de meisme & pur luy meisme,

fee simple, which descendeth to his heire, who is also heire in taile or heire to the woman. Now if the heire after the decease of his ancestoz bring a writ of Formedon, or sur cui in vita, for the land so aliened, then he shall be barred by reason of the warranty and the land so descended, which is as much in value as that was sold, and so thereby he hath received no prejudice, and therefore this land is called Assets per descent.

Assets enter maines is when a man indebted, as before is said, maketh executors, & leaveth to them sufficient to pay, or some commodity or profit is come unto the in right of their testatour, this is said assets in their hands.

Assignee.

Assignee is he to whom a thing is appointed or assigned to be occupied, paid or done, & is alwaies such a person, which occupieth or hath the thing so assigned in his owne right and for himselfe, and

and of assignees there be
two sortes, namely, Assign-
ee in dede & Assignee in
law. Assignee in dede is
when a lease is granted to
a mā, or to his assignee or
without those words, as-
signee, and the grauntee
giveth granteth or selleth
the same lease to another,
he is his assignee in dede.
Assignee in lawe is every
executor named by the te-
stator in his testamēt, As
if a lease be made to a man
and to his assignee (as is
aforesaid) & he maketh his
executors and dieth with-
out assignment of the lease
to any other, Now the ex-
ecutors shal have the same
lease, because they are his
assignee in law. And so it
is in other cases.

58

Affise.

Affise is a writ and it li-
eth where any man is
put out of his landes, or
tenements, or of any pro-
fit to be taken in a cer-
tain place and so dissei-
sed of his freehold. Free-
holde to any manne is
where he is seised of lands
and tenements or pro-
fit to be taken in fee sim-

Et de assignees il y sont ij.
sortes nolment assignee
en fait & assignee en ley.
Assignee en fait est quant
vn lease est grant al vn & a
les assignees ou sans ceux
pols, assignees, & le gran-
tee done, graunt ou vende
le dit lease al autre, il est
son assignee en fait. As-
signee en le ley est ches-
cun executor nolme per le
testatour en son testamēt :
si come vn lease soit fait al
vn home & a les assignees
(sicome est auant dit) & il
fait ses executors & mo-
rust sans assignmēt del lease
al aucun aut, Ore les exe-
cutors aūa m le lease pur
ceo q̄ ils sont les assignees
en ley. Et issint est en au-
ters semblables cases.

Affise.

Affise est vn briefe &
gist ou aucun home est
mis hors de son terre ou
tenementes ou de aucun
profit aprendre en certaine
lieu & issint disseisi de son
franktenement. Frank-
tenement a aucun home
est lou il est seisi de ter-
res ou tenementes ou pro-
fit a prendre in fee sim-

D ii,

ple,

The Exposition of

ple, fee taile, pur terme de son vie demefne, ou pur terme d'auter vie. Mes ternaunt per Elegit, ternaunt per statute Marchaunt & statute Staple poient auer assise, coment que ils nont franktenement, & cest est ordayne per diuers Statutes.

Auxy en assise il couient tous fortes que il soit vn disseisor & ternaunt ou auterment le brieve abatera.

Auxy ou vn home est disseisi & recouera per assise de nouel disseisin, & puis est auterfoits disseisi per mesme le disseisor, il auera vers luy vn brieve de redisseisin directe al vicount de fayre inquisition, & si troue soyt le redisseisin, il serra mis en prison. Auxy si home recouera per Assise de Mortdauncester ou per auter Iurie, ou per default ou reddition, & fil soit auterfoits disseisi, il auera donques vn brieve de Postdisseisin, & cestuy que est pris & impriso pur redisseisin, ne serra deliuer sans espe-

ple, fee taile, for terme of his owne life or for terme of an other mans life. But the ternaunt by Elegit, ternaunt by statute marchant and Statute Staple may haue assise, howbert that they haue no freehold and this is ordeined by diuers statutes

Also in an Assise it is needful alwaies that there be one disseisor and one ternaunt or otherwise the writ shall abate.

Also where a man is disseysed and recouereth by assise of nouel disseisin and afterwarde is againe disseised by the same disseisor, he shal haue against him a writte of redisseisin directed to the Sherife to make inquisition, and if the redisseisin bee founde hee shall be sent to prison. Also if one recouer by assise of Mortd. or by other iurie or default or by reddition, and if he bee an other tyme disseysed, then hee shall haue a writte of Post disseisin, & hee which is taken and imprisoned for redisseisin shall not bee deliuered without speciall

ciall commaundement of the King. See the Statutes thereof Merton cap. 3. Marlebridge cap 8. And Westminster 2. Chapter 26. There is also an other Assise called A'sise of Fresh force, & lieth wher a man is disseysed of tenementes which are diuisible, as in the City of London or other Boroughs or Townes that be fraunchises, then the defendaut shall come into the Court of the said Towne and enter his plaint, and shall haue a writ directed to the Maior or Baylives &c. and thereupon shal passe a Iurie in maner of assise of nouel disseisin. But it behoueth that he do enter his plaint within forty daies as it is said or otherwise he shalbe sent to the common lawe. And if the Officers delay the execution, then the plaintife shal haue an other writ to haue execution, And a Sicur alias, and a Pluries &c. See Lit. cap. Wents, assise is a worde of two significations.

cial commaundement le Roy. Vide les estatutes inde Merton ca. 3. Marlebridge, Cap. 8. Et Westminster 2. Cap 26. Auxy il est vn auter Assise appell Assise de fresh force & gist lou home est disseis de tenements queux sont deuisables, come en le Citie de London ou auter Boroughs ou villes que sont enfraunchises, donques le defendaut viendra en la Court de dit Ville & entra son plaint, & auera vn briefe direct al Maire ou Baylives &c. & sur ceo passera vn Iurie en maner d'assise de Nouell disseisin. Mes il couient que il entra son plaint deins xl. iours, vt dict, ou auterment il serra misse a le commoley, Et si les ministres delay execution, donques le plaint se auera vn auter briefe d'auer execution, Et Sicur alias, & Pluries &c. Vide Little Ca. Rets, Assise est nosme equiuocum &c.

The Exposition of

59 Alsise de darraine
presentment.

A Ssise de darrain present-
ment, vide de ceo aps ti-
tulo Quare impedit.

60 Alsise de Mort-
dancer.

A Ssise de Mortdancer,
vide de ceo apres titulo
Coinage.

61 Attainder.

A Ttainder, est vn con-
uict on dascun person
dun crime ou fault, dont
il ne fuit conuict deuant,
si come vn home fait fe-
lony, treason, ou uel si m-
blables, & de ceo est en-
dicté, arraigh, & troue
guiltie & adiudge, don-
ques il est dit desté at-
tain, & ceo poiet este
deux voies, lun sur appa-
rance, le aut sur default: le
attainder sur apparence, est
per confels on, bataille ou
verdict, le attainder sur de-
faut est per processe tanq;
il soit vtlage.

62 Attaint.

A Ttain, est vn briefe &
gist lou faux verdicté
est done per xii. homes &

Alsise de darraine
presentment.

A Ssise de darraine presen-
ment, loke therof after
in the title Quare impedit.

Alsise de Mortdan-
cester.

A Ssise de Mortdancer,
loke therof in the title
Coinage.

Attainder.

A Ttainder, is a conuictio
of any person of a crime
or fault whereof hee was
not conuict befoze, as if a
man haue committed felo-
ny, treason, or such like, and
thereof is indicted, arraig-
ned and found guiltie and
both iudgement, then he
is said to be attainted, and
this may bee two waies,
¶ one vpon apparence, the
other vpon default, the at-
tainder vpon apparence is
by confession bataille or
verdict, the attainder vpon
default is by processe untill
he be outlawed.

Attaint.

A Ttain, is a writ and li-
eth where false verdict
is giuen by twelue men, &
iudge.

iudgement given thereon, that the partie againste whome they haue passed, shall haue a writ against the twelue men, and when they be at issue it shall be tried by xiiij. Iurors, & if the false verdict be found, the twelue men be attaint, and then the iudgement shall bee, that their meddowes shall be aired, their houses broken down, their woods turned byppe, and all their landes and tenements forfeited to the King, but if it passe against him that brought that attaint, he shall be imprisoned and grievously ransomed at the Kinges will. See the Statute 23. H. 8. cap. 3. Attaint also is when iudgement is given in Treason or Felony.

63 Attournement.

ATournement, is when one is tenant for terme of life, and he in reversion or remainder graunteth his right or estate to another, then it behoveth the tenant for terme of life to agree thereto, and this agreement is called an Attournement.

iudgement done sur ceo, dunque le partie vers que ils auoyent passe auera cest briefe vers les douze homes, & quant ils sont a issue, il sera trie per vint quater Iurours, & si faux verdict soit trouue, les douze Iurours sont attaint, & donques le iudgement sera que leur prees seront aires, leur measons debrases, leur boyes subuertes, & tous leur terres & tenements forfaitz al Roy, mes sil passa encontre celuy que port l'attaint, il sera imprison & grieuusement ransome al volunt le Roy, Vide le Statute 23. H. 8. cap. 3. Attaint auxy est quant iudgement est done en treason ou felony.

Attournement.

ATournement, est quant vn est tenant pur tme de vie, & cestuy en la reversion ou remainder graunt son droit ou estate a vn autre, donques il couient que le tenant pur terme de vie agree a ceo, & cest agrement est appel attournement,

D iiii.

The Exposition of

ment, car si cestuy en le reuerſion grant ſon eſtate, & ſon droit a vn autre, ſi le tenant pur terme de vie ne attourna, riens paſſe per le grant.

Mes ſil ſoit grant per ſine en Court de record, il ſerra compel de attourner, Et vide de ceo apres titulo *Quid iuris clamat*, vide plus de ceo en Litt. lib. 3. cap. 10.

64 Audita quarela.

Audita quarela, eſt vn briefe & giſt lou vn eſt oblige en vn eſtatute marchand, eſtatute Staple ou Recogniſſance, ou lou iudgement eſt done vers luy pur det, & ſon corps in executio ſur ceo, donques ſil ad vn releas ou autre ſufficient matter deſte diſcharge del execution, mes nad iour de ceo pleder, lonques il auera ceſt briefe vers ceſtuy que ad recouer, ou vers ſes executors.

65 Auerment.

Auerment eſt lou vn homme plect vn plect en a-

ment, ſoz if he in the reuerſion graunt his eſtate and his right to another, if the tenant ſoz terme of life attorne not, nothing paſſeth by the graunt.

But if it be granted by ſine in Court of record, he ſhalbe compelled to attorne, And loke thereof after in the title *Quid iuris clamat*, loke more of this in Littleton lib. 3. cap. 10.

Audita quarela.

Audita quarela, is a writ and it lieth wher one is bound in a Statute merchant, Statute Staple or Recogniſſance, or wher iudgment is giue againſt him ſoz debt and his body in execution therupon, the if he haue a releas or other matter ſufficient to be diſcharged of execution but hath no day in Court there to pleade it, then he ſhall haue this writte againſt him which hath recovered, or againſt his executors.

Auerment.

Auerment, is where a man pleadeth a plect in abate.

abatement of the writ or barre of the action, which he sayeth he is ready to proue as the Court will award, this offer to proue his pleis called an Auerment.

66 Auerpeny.

A Verpeny, that is to be quit of diuers summes of money for the kinges auerages.

67 Auncien demesne.

A Vncien demesne are certain tenures holden of those Manors that were in the hands of S. Edward the Confessor, and the which he made to be written in a booke called Domes day, Sub titulo Regis, and all the landes holdē of the said Manors be auncien demesne, and the tenants shall not be impleaded out of the said Manors, and if they be, they may shew the matter and abate the writ: but if they answer to the writ, and iudgement be giuen, then the landes become frank fee for ever. Also the tenants in auncien demesne, be free of tolle for all

abatement de brieve ou barre d'action, quel il dist, il est prist de prouer come le Court voit agarde, cest offer de prouer son plee est appelle vn Auerment.

Auerpeny.

A Verpeny, hoc est quietus esse de diuersis denarijs pro aueragijs domini Regis.

Auncien demesne.

A Vncien demesne sont certain tenures ten^{re} de ceux Manors queux furent en maines de S. Edw. le Confessor, & les queux il fist escrire en vn lieu appelle Domes day, Sub titulo Regis, & tous les terres tenus del dit Manors sont aunciendemesne, & les tenants ne seront impled hors del dit Manors, & s'ils soient, ils poient monstre le matter & abater le brieve, mes s'ils respond' al brieve & plede, & iudgen^t done, doncs les terres sont deuenus frank fee a tous iours. Auxy tous tenants en auncien demesne sont frank de tolle, pur tous choses

The Exposition of

choſes concernant leur viand' & husbandry en auncien demefne, & pur tiels terres ils ne ferraont mis ne impar el ſur aſcun enqueſt. Mes tous les terres en auncien d' meſne queux ſont en main s le Roy, ſont frank ſee & ple-dable al common Ley. Veres plus apres en le title Sokmans.

things concerning their ſuſtenance and husbandry in auncien demefne, and ſoꝛ ſuch landes they ſhall not be put oꝛ impanelled vpon any inqueſt. But all the landes in auncien demefne, that are in ꝑ kings hands, be frank ſee and pledeable at the Common Law. See moze after in the title Sokmans.

68 Auowrie.

AVowrie eſt lou vn priſt diſtreſſe pur rent ou auzer chole, & l'auter ſua Repleuin, donques celuy que auoit ceo priſe iuſtifiera en ſon plee, pur quel cauſe il priſt ceo, & ſi il priſt ceo en ſon droit demefne il doit ceo monſtre, & aſint auowa le priſe, & ceo eſt appel ſon auowry: Mes ſil ceo priſt en ou pur le droit de vn auzer, donques quant il auoit monſtre le cauſe, il ferra conuſance del priſel, come bailie ou ſeruant a celuy en que droit il priſt ceo.

Auowrie.

AVowrie is ſwhere one taketh a diſtreſſe ſoꝛ rent oꝛ other thing, & the other ſurethrepleuin, then he that hath taken it ſhall iuſtifie in his plee, ſoꝛ what cauſe he toke it, and if he toke it in his owne right hee ought to ſhew that, and ſo auow the taking, & that is called his euowry: but if he toke that in oꝛ ſoꝛ the right of another, then when hee hath ſhewed the cauſe, he ſhall make conuſance of the taking, as bailie oꝛ ſeruant to him in ſwhoſe right he did take it.

69 Barle

B.

69

Baile.

BAile, is when a man is taken or arrested for felony, suspicion of felony, indicted of felony, or any such case, so that he is restrained of his libertie. And being by Law bailable, offereth suerty to those which have authoritie to baile him, which suerties are bound for him to the Queenes vse in a certain summe of money, or bodie for bodie, that he shall appeare before the Iustices of Gaole deliuerie at the next Sessions &c. Then upon the bondes of these suerties, as is aforesaid, he is bailed, that is to say, set at libertie vntil the day appointed for his apparance.

70

Bailement.

BAilement, is a deliuerie of things whether it be of writings, goods or stufte to an other, sometimes to be deliuered back to the bailor, that is to say

B.

Baile.

BAile, est quant vn home est prise ou arrest pur felony, suspicion de felony, indite de felony, ou ascun tel case, issint que il est restrain de son libertie. Et esteant per le ley bailable, offereth suertie al eux que ont authoritie de luy bailer, queux suerties sont oblige pur luy al vie le Roigne en vn certain summe d'argent, ou corps pur corps, que il appearera deuant les Iustices de gaole deliuerie al prochain Sessions &c. Donques sur les bonds de ceux suertes, come est auantdit, il est baile, cest adire, mis al libertie tanque le iour appoint pur son apparance.

Bailement.

BAilement, est vn deliuerie de choses, soyent ils de escripts, biens ou stufte al auter, ascun fois destre redeliuer arriere al bailor, cest adire
al

The Exposition of

al celuy que i'sint deliuer
ceo, alcun foits al vse del
bailife, cest adire de luy a
que il est deliuer, & alcun
foits auxy il est deliuer a
vn tierce person, cest deli-
uerie est appel vn baile-
ment.

71 Bailife.

Baillife est vn officer que
appertient a vn manor,
pur or der le husbandrie,
& ad aucthorite de paier
quite rents issuant hors del
manor, su cider arbres,
repaire les measons, faire
pales, haies, distraine auers
danage fesant sur le terre,
& diuers tiels seblables.

Cest officer est celuy que
les auncient Saxons ont
appel vn Reeue, car le nos-
me Bailife ne fuit donques
conus enter eux, mes vient
eins oue les Normans, &
est appel en Latin Villi-
cus.

72 Backberind theefe.

Backberind theefe est vn
laron q est prise oue le
miner, cest a dir, aiant ceo
troue sur luy (esteat pursue

to him that so deliuered it-
sometimes to the vse of the
bailife, that is to say, of
him to whom it is deliue-
red, and sometimes also
it is deliuered to a third
person, this deliuerie is
called a bailement.

Bailife.

Baillife is an officer that
belongeth to a manor,
to order the husbandrie,
and hath authority to pay
quite rents issuing out of
the manor, fell trees, re-
paire houses, make pales,
hedges, distraine beastes
dooing hurt vpon the
ground, and diuers such
like.

This officer is he whom
the auncient Saxons cal-
led a Reeue, for the name
Bailife was not yet kno-
wen amongst them, but
came in with the Nor-
mans, and is called in
Latin Villicus.

Backberind theefe.

Backberind theefe is a
theefe that is taken
with the maner, that is to
say, hauing that found vpon
him (being followed
with

With the hue and crie) which he hath stolen, whether it be money, linnen, wollē, oz other stuffe, but it is moſte properly ſaid, when he is taken carrying thoſe thinges that he hath ſtolen in a bundel oz fardel on his backe.

73 Bargaine and ſale.

BArgain and ſale is whē a recompence is giuen by both the parties to the bargain: as if one bargain and ſell his land to another for money, heere the land is a recōpence to him for the money, and the money is a recompence to the other for the lād, and this is a good contract & bargain, and fee ſimple paſſeth notwithstanding hee doeth not ſay to haue and to hold the land to him and to his heires. And by ſuch a bargain and ſale lands may paſſe without liuery of ſeiſin, if the bargain & ſale be by dēde indented, ſealed & inrolled, either in the county where the land lieth, oz in one of the M. courts of record at Weſtminſter Bin vj. monethes

oue le hue & crie) le quel il ad emblee, ſoit il money, linnen, wollen, ou auter ſtuff: : mes il eſt pl^r proprement dit, quant il eſt priſe portant riels choſes que il ad emblee en vn bundel ou fardel ſur ſon dorſe.

Bargaine & ſale.

BArgain & ſale eſt quane vn recompence eſt done per ambideux les parties al bargain: come ſi vn bargain & vend ſon terre al auter pur argent, icy le terre eſt vn recompence a luy pur le argent, & l'argent eſt vn recompence al auter pur le terre, & cē eſt vn bone contract & bargain, & fee ſimple paſſa nient obſtant il ne dit auer & tener le terre a luy & a ſes heirs. Et per quel bargain & ſale terres poient paſſe ſans liuery de ſeiſin, ſi le bargain & ſale ſoit per fait endent, ſeale & enrolle, ou en le countie ou le terre giſt, ou en vn des Courts del Roigne de recorde, at Weſtm. deins ſixe mois pro-

The Exposition of

prochein apres le date de
mesme le escript eudent,
accordant al statute en es-
case fait en le 27. an de H.
8. cap. 16.

next after the date of the
same writing indeted, ac-
cording to the Statute in
that behalf made in the 27
yeere of H. 8. cap. 16.

74

Barre.

BArre, est quant le defen-
dant en aucun action
plede vn plee que est vn
sufficient respons, & ceo
adnul le action del plain-
tife a tout iours.

Barre.
BArre, is whē the defen-
dant in any action plea-
deth a plee which is a suf-
ficient answer, and that
destrolieth the action of the
plaintife for ever.

75

Base fee.

Tener en Fee base, est a
tenir a volunt le Seig-
nior.

Base fee.
To hold in Fee base, is
to hold at the wil of the
Lorde.

76

Bastarde.

BAstard, est celuy que est
nee de aucun feme ni-
ent espouse, il sint que son
pere nest connus per le or-
der del ley, & pur ceo il
est dit filius populi.

Mes per la ley del Ro-
mish esglise, si vn engen-
der vn enfant sur aucun
feme, quel enfant est nee
hors del espousels, & puis
il espouse m̄ la femme,
donques n̄el enfant serra
dit Mulier, & nemy ba-
starde.

Bastardie.
BAstardie, is hee that is
borne of any womā not
married, so that his father
is not known by the or-
der of the law, and there-
fore he is called the childe
of the people.

But by the lawe of the
Romish Church, if one
get a child upon a woman
which childe is borne out
of wedlocke, and after hee
marrie the same woman,
then such a childe shall be
saide Mulier, and not ba-
starde.

But

But by the law of England he is a bastard, and for that cause when such speciall bastardie is alleaged, it shall be tried by the countrey, and not by the Bishop. But generally bastardy alleaged shall be tried by the certificate of the Bishop.

And if a woman be great with childe by her husband who dieth, and shee taketh an other husband, & after the child is borne, this child shall be said the childe of the first husband. But if she were pruiue with childe at the time of the death of her first husband, then it shall be said the childe of the second husband. But inquire farther and see the opinion of Thorp 21. E. 3. 39.

Also if a man take a wife which is great with child by an other that was not her husband, and after the childe is borne within the espousels, then it shall be said the childe of the husband, though it were born but one day after the espousels solemnized.

Mes per la ley Dengl- terre il est bastarde, & pur cest cause quant tiel especiall bastardie est alleage, il serra trie per le pais, & nemy per Leuesque. Mes generalment bastardy alleage serra trie per le certificat del Euesque.

Et si vn feme soit grosse de enfant per son baron que morust, & el prist au- rer baron, & apres le en- fant est nee, cest enfant serra dit lenfant le primer baron. Mes si el fuit priue- ment enseint al temps del mort la primer baron, donques il serra dit len- fant del second baron. Sed Quere & veies le opi- nion de Thorp 21. E. 3. 39.

Auxy si vn home prent feme que soit grossement enseint per aucun auter que re tuit son baron, & apres lenfant est nee deins les es- pousels, donques il serra dit lenfant le baron, mes- que il fuit nee forsque vn iour apres les espousels solemnize.

The Exposition of

77

Battaile.

BAttaile est vn auncient trial en nostre ley, que le defendaunt en vn appeal de murder, robbery, ou felonie poit eslier, cestascavoir, a combater oue lappellant, pur prooffe sil soit culpable del felonie ou non: quel combat sil succede sibien del part le defendaunt que il vanquish lappellant, il alera quite, & luy barreira de son appeal a tous iours. Mes si vn soit indict de felonie, & vn appeal est port sur mesme le indictment, la le defendaunt ne gagera le battaile: Battaille auxv poit estre en vn briefe de Droit.

78

Bigamy.

Bigamy, fuit vn counterple (denied at council de Lions, sur mislike de second mariage) deste obiect quant le benefite del Clergie, cestascavoir, son liuer, come nosment a dire, que il que demand le priuilege del Clergie, fuit marrie a tiel femme, en tiel lieu,

Battaile.

BAttaile is an auncient trial in our law, which the defendaunt in an appeal of murder, robbery, or felony may chuse, that is to say, to fight with the appellant, for prooffe whether hee be culpable of the felonie or not: which combat, if it fall out so well on the part of the defendaunt that hee doth vanquish the appellant, he shal go quit & barre him of his appeal for euer. But if one be indicted of felony, & an appeal is brought vpon the same indictment, there the defendaunt shall not wage battaile: Battaille also may be in a writ of Right.

Bigamy.

Bigamy, was a counterplea (denied at the council of Lions, vpon mislike of second mariage) to be objected when the prisoner demaundeth the benefite of the clergie, to wit, his book, as namely to say, that he which demaundeth the priuledge of the clergie, was married to such a woman, at such a place, within

Within such a diocesse, and that she is dead, and that he hath married another woman within the same dioces or within some other dioces, and so is Bigamus. Or if he haue been but once married, then to saye, that she whom he hath married, is or was a widowe, that is to saye, the left woman of such a one &c. which thing shall be tryed by the Bishop of the dioces where the marriages are alleadged. And beyng so certified by the Bishop, the prisoner shall lose the benefite of the clergie. But at this day by force of the act made in An. 1. E. 6. c. 12. this is no plea, but that he may haue his clergie that notwithstanding.

So is Brook titulo clergie placito 20. to the same purpose. And hereupon if you be desirous to see what reason they haue that perswade against second marriages, read among many others Francis Petrarche of remedies for both fortunes, the first booke & lxxvj. Dialogue,

deins tiel dioces & que el est mort, & que il ad apres marrie vn autre femme deins mesme le diocesse ou d. ins ascun autre diocesse, & issint Bigamus. Ou sil nad este forsque vn temps marrie, donques adire que el que il espouse est, ou fuit vn vief, cest adire, le relicté dun tiel &c. Le quel chose ferra trie per Leuesque de le Diocesse ou le espousals sont alleage. Et esteant issint certifie per Leuesque, le prisoner perdra le benefite del clergie: Mes al cest iour per force de le acte fait en Anno 1. E. 6. cap. 12. cest nul plea, mes que il poet auer son clergie ceo nient obstant.

Issint est Brooke titulo Clergie placito 20. al mesme purpose. Et sur ceo si vous estes desirous de veyer queux raisons ils ont que perswade enuers second espousals, lege ent diuers autres Frances Petrarche de remediis vtriusque fortunæ le primer liuer & lxxvi. Dialogue,

E j.

inti-

The Exposition of

intituled de secundis nup-
tuis, quel liuer ore tarde
Master Thomas Twine
ad bien & oue bon grace
(come ils que poient iud-
ger diount) translate
hors de Latin en Englois,
& mult apment appell
ceo Phisicke enco-ter for-
tune.

intituled of second marri-
age, which Booke nowe
of late Master Thomas
Twine, hath very well, &
with good grace (as they
that can iudge do say) tra-
nslated out of Latine into
English, and most aptly
called it Phisicke against
fortune.

79 Bloodwit.
Bloodwit, hoc est quic-
tum esse de amercia-
mentis de sanguine fuso,
& que teneantur placita in
curia vestra, habebitis a-
mercamenta inde proue-
nientia quia (wit) en An-
glois est misericordia en
Latin.

Bloodwit.
Bloodwit, that is, to bee
quit of amercementes
for bloudshedding, and
what pleas are holden in
your court, you shall haue
the amercementes thereof
comming, because (wit)
in English is misericor-
dia in Latin.

80 Boote.
BOote, est vn viel parol,
& il signifie helpe, suc-
cour, ayde, ou aduantage,
& est communment ioynt
oue ou auter parol, que
signification il augment
come ceux bridgeboote,
buihboote, fireboote,
hedgeboote, plowboote,
& diuers tiels semblables,
pur queux significations,
veyes en leur proper ti-
tles.

Boote.
BOote, is an old word, &
signifieth helpe, succor,
ayde or aduantage, and is
commonly toynd with an
other worde, whose signi-
fication it doth augment,
as these, bridgboot, burgh-
boot, fireboot, hedgeboot,
plowboot and diuerse o-
thers such like, for whose
significations look in their
proper titles.

Brood.

81 Broodhalpeny.

Broodhalpeny, in some copies, broodhalbeny, that is to be quit of a certaine custome exacted for setting vp of tables.

Broodhalpeny.

Broodhalpeny, en ascun copies, broodhalbeny, hoc est, quietum esse de quadā consuetudine exacta pro tabulis leuatis.

82 Burgage.

TO hold in Burgage, is to hold as if ſ Burgais holde of the King, or of another lord landes or tenements, yelding to him a certain rent by ſ yere, or els there, where an other man then burgeis holdeth of any lord landes or tenemēts in burcage yelding to him a certaine rent by yēre.

Burgage.

Tener en Burgage est a tener sicōe les burgeis teignēt de Roy, ou de aut Seignior terres ou tēts rendant a luy vn certaine rent p an, ou autrement la ou vu aut home que Burgeis tient dascun Seignior terres ou tenements en Burgage rendant a luy vn certaine rent per an.

83 Brugbote.

Brugbote (and in some copies Bridgbote) that is to bee quit of giuing aide to the repaying of bridges.

Brugbote.

Brugbote (& en ascuns copies bridgbote) hoc est quietum esse de auxilio dando ad reficiendum pontes.

84 Burghbore.

BVrghbore, that is to be quite of giuing ayde to make a Borough, Castell, Citie, or walles throxne downe.

Burghbore.

BVrghbore, hoc est quietum esse de auxilio dando ad faciendum Burgum, castrum, ciuitatem vel muros prostrata.

E ij.

Burghbore.

The Exposition of

85 Burbrech.

BVrghbrech, hoc est qui-
etum esse de transgres-
sionibus factis in ciuitate
vel Burgo contra pacem.

Burghbrech.

BVrghbrech, that is to be
quit of trespasses done
in Citie or Borough a-
gainst the peace.

86 Burgh English.

BVrgh English, ou Bo-
rough English, est vn
custome en vn auncient
borough, ou si vn hōe ad
issue diuers fits & morust
vncore le puisne fits sole-
ment inheritera, & auera
touts les terres & teñts, q̃
fueront a son pere de que
il morust seisie deins m le
burgh per discent, come
heire a son pere, per force
del custome de mesme le
burgh.

Burgh English.

BVrgh English, or Bo-
rough English, is a cu-
stome in some ancient bor-
rough, that if a man haue
issue diuers sonnes & di-
eth, yet the yongest sonne
onely shall inherite & haue
all the lands & tenements
that were his fathers,
whereof hee dyed seised
within the same burgh by
discent, as heire to his fa-
ther by force of the custom
of the same borough.

87 Burglarie.

BVrglarie, est quant vn
debruse & enter en le
meason dun auter en le
nuir, oue felonious intent,
de robber ou occider ou
de faire auter felony, en
queux cases nient obstant
il ne emport riens, vncore
il est felony per que il serr
pendue. Auterment est sil
loit en le iour ou que il

Burglarie.

BVrglarie, is when one
breaketh & entreth into
the house of another in
the night with felonious
intent to robbe or kill, or
to doe some other felonie,
in which cases although
hee carrie away nothing,
yet it is felony, for which
hee shall suffer death. O-
therwise it is, if it bee in
the day time, or that hee
breahe

breake the house in the night, and enter not therein at that time.

But if a seruant will conspire with other men to robbe his Master, & to that intent he openeth his Masters doores and windows in the night for the, that they come into the house by that way, this is Burglarie in the strangers, and the seruant is a theefe but no Burglar. And this was the opinion of the right worshipfull sir R. Manwood knight, most worthe Lord chiefe Baron of the Eschequer, at the quarter Sessions holden at Canterbury in January 1579. 21. Eliz.

88 Capias.

Capias, looke for that after in the title Proces.

89 Caruage.

Caruage, that is, to be quite if the king shall take at his land by carues. Note that a carue of land is a plow land.

90 Certification of assise.

Certification of Assise of nouel disseisin, is a

debruse le meason en le nuit, & ne entre pas en ceo a cest temps.

Mes si vn seruant voile conspire oue auters de robber son Master, & a cel entent il ouer les dores, & fenestres de son Master en le nuit par eux, & ils vient en le meson per cest voy, cest Burglarie en les estrangers, & le seruant est vn laron, mes nemy Burglar. Et ceo fuit l'opinion de le right worshipful Sir R. Manwood Chualer, plus digne Seignior chiefe Baron de le Exchequer a la quarter Sessions tenus en Canterbury in January 1579. 21. Eliz.

Capias.

Capias, vide de ceo apres en la title Proces.

Caruage.

Caruage, hoc est, quietum esse si dominus Rex talliauerit totam terram suam per Caruas. Nota quod vn carue de terre est vn plow land.

Certificatio in assise.

Certificatio Assise nouel disseisine, est vn
E. iii. brieve

The Exposition of

briefe & gist lou le bay-
life le tēt in Assise plede
nul tort &c. & parde per
l'assise, donques si le tenāt
ad vn releafe ou auter e-
script a pleder, il auera
cest briefe, & les primers
iurors serrōt garnies d'ap-
perer deuant les Iustices
& parties auxi, donques
si puit este troue que le
releafe ou lescrips sont
voyer & bones, cestuy
qui recoueroit in l'assise,
rendra dammages en dou-
ble & perdra la terre.

91 Cerciorari.

Cerciorari, est vn briefe
& gist lou vn est im-
plede en vn base Court,
que est de recorde, & il
suppose que il ne poit au
equal Iustice la, donques
sur vn bill en la Chancery
comprisant ascun mat-
ter en conscience, il auera
cest briefe pur remo-
uer tout le Record en la
Chauncerye, & la destre
determiner per conscience,
mes sil ne proua son bill,
donques l'autre partye auera
vn bñ de Procedendo
& remaund' le record en la

writ, and lieth where the
Bailife of the tenant pleas-
eth no wrong, &c. & loseth
by the assise, then if the te-
nant haue a releafe or o-
ther writting to pleade, he
shall haue this writ, and
the first Jurours shall bee
warned to appeare before
the Iustices and the par-
ties also, then if it may be
founde that the releafe or
writings are true & good,
hee that recouered in the
Assise shall yeelde double
damages, and shall lose
the land.

Cerciorari.

Cerciorari, is a writ and
it lieth wher one is im-
pleded in a base court, that
is of record, and he suppo-
seth that he may not haue
equall Iustice there, then
vpon a bill in the Chancery
comprising som matter
of conscience he shall haue
this writ to remoue al the
Record in the Chauncery
& there to be determined by
conscience, but if he proue
not his bill, then the other
partie shall haue a writte
of Procedendo, to send a-
gaine the Record into the
base

base court, & there to be determined. And it lieth in many other cases, for to remove records for the king as indictments and other.

92

Cession.

Cession, is when an Ecclesiastical person is created Bishop, or when a parson of a parsonage taketh another benefice without dispensation or otherwise not qualified &c. In both cases their first benefices are become void, and be said to become void by cession, And to those that he had who was created bishop, the king shall present for the time whosoever be patron of the. And in the other case the patron may present.

93

Cessavit.

Cessavit, is a writ, and it lieth where my verie tenant which holdeth of me certaine lands and tenements, yielding certain rent by the year, & the rent is behind not paid by two years, and no sufficient distress may be found upon the lande, then I shall recover the lande, but if the

base Court, & la destre determine. Auxil il gist en plusieurs autres cases pur removal Records pur le roy come indictments & autres.

Cession.

Cession est quant un Ecclesiastical person est cree Euesque, ou quant un parson dun parsonage prist un autre benefice sans dispensation ou autrement n'est qualifie &c. En ambideux cases leur prim benefices sont deuenus void & sont appel destre void par cession. Et a ceux qui il ad que fuit cree euesque, le Roigne presentera pro alla vice, quicunque soit patron de eux. Et en lautre case le patron poit present.

Cessavit.

Cessavit, est un briefe & gist lou mon verie tenant que tient de moy certaine terre ou tenements rendant certain rent par an, & le rent est arriere nient paye par deux ans, & nul sufficient distress poit estre trouue sur le terre, donques ieo auera cest briefe par lequel ieo recouera le terre, mes si le

E iiii.

tenant

The Exposition of

tenant vient in Court deuant iudgement, & tend le arrerages, & les damages, & troue suerty que il ne cessera plus de painit de dit rent, ico serra compel de prender les arrerag. & les damages, & donque le tenaunt ne perdera la terre. Auxy heire ne poyt maintaine cel brieve pur cesser fait en tēps son auncetor, Auxy cest brieve ne gist, mes pur annuall seruice come rent & huusmodi & nient pas pur homage & fealtie.

Auxy il y ad auter brieve appel Cessant de cantaria, & gist ou vn done terres a vn meason de religion a trouer pur l'alme de luy, & de ses auncetors, & de ses heires annuellement vn chandel ou lamp in Esglise, ou pur faire ascun deuine seruice, ou de paster les pouers, ou auter almes, ou auter tiel chose faire, donque si les dits charges ne sont pas fait, per ii ans, donque le donor ou ses heires auctra cest brieve vers quecunque est cins apres tiel

tenant come into the court befoze iudgement giuen, and tender the arrerages and dammages, and finde suerty, that he shall cesse no moze in payment of the saide rent, & I shalbe compelled to take the arrerages and the damages, and then the tenaunt shall not lose the lande. Also the heire may not maintaine this writte for the cesser made in y time of his auncetor, Also this writ lieth not but for Annuell seruice as rent and such other and not for homage and fealtie.

Also there is an other writ called Cessant de cantaria, and it lieth where a man giueth lād to a house of religion to finde for his soule and his auncetors, and his heires, yearely a Lampe in the Church, or to say deuine seruice or to feede the poore, or other almes, or some other thig to doe, then if the said charge be not done in two yeaers, then y donor or his heires shal haue this writ agaisst whosoer houldeth the thinges giuen after such cessure,

cessare. See the Statute
W.2.cap.41.

cesser. Vide Iestature W.
2. cap. 41.

94 Challenge.

Challenge, is where Ju-
rors appeare to trie an
issue, then if any of the
parties suppose that they
are not indifferent they
may there challenge and
refuse them.

There be diuers chal-
lenges, one is challenge to
the array, the other to the
polles.

Challenge to tharray is
when the panell is fauo-
rably made by the Shirife
or other officer.

Challenge by polles are
some principall, and some
by cause as they call it.

Principall, is when one
of the Jurozs is the sonne,
brother, or cosin to þe plain-
tife or defendarit, or tenant
to him, or that he hath es-
poused the daughter of the
plaintif, & for those causes
he shall be withdrawen.

Also in a plee of the
death of a man, and in eue-
ry action reall, and in acti-
ons personall, if the debt
or damages amount to
fortie markes, it is a good
challenge that he cannot

Challenge:

Challenge, est lou Jurozs
apperont pur trier vn
issue, donques si ascun des
parties supposont que ils
ne sont pas indifferent, la
ils poient eux challenge &
refuse.

Ils ad estre diuers chal-
lenges: vn est challenge
al array, le auter est al
polles.

Challenge al array est
quant la panel est fauo-
rablement fait per le vi-
cont ou auter officer.

Challège p les polles sont
ascuns principal, & ascun p
cause, cō il appel ceo.

Principal est quant vn des
Jurozs est le firs, frere, ou
cosin al plaintiff ou defen-
dant, ou tenant a luy, ou q
il auoit esponse la file le
plaintife, & pur ceux causes
il serra retrait.

Auxy en plee de le mort
de hōe, & en chescū action
real, & en actions perso-
nal, si le det ou damages
amoune a xl. markes, il est
bon challenge q il ne poit
dispen-

The Exposition of

dispende xl shillings per
an de franktenement.

Challenge per cause, est
ou le partie allege vn mat-
ter que nest principal chal-
leage: come que firs dun
des Iurors espouse la fi e
le plaintife, & donques
il conclude, & pur ceo il
est fauorable, quel terra
rie per auters del enquest,
si il soit fauorable ou in-
different, & si ils dient
que il est fauorable, &
nemy indifferent, donques
il terra treit, autrement il
terra iure.

Auxy vn felon que est
arraigne pour challenge xx.
Iurors peremptorie sans
aucun cause, & ceo est in
fauorem vite, & tant que il
voile oue cause, mes don-
ques il terra trie si pur tel
cause il soit indifferent ou
en y.

95 Champertie.

Champertie est vn briefe
& gist lou deux homes
sont impleadants, & lun
done la moitie ou part
del chose en plee a vn
estrange par luy main-

dispende xl shillings by the
year of freethold.

Challenge by cause, is
where the party doth al-
lege a matter which is
no principall challenge: as
that the sonne of one of
the Iurors hath espoused
the daughter of the plain-
tife, and then he doth con-
clude, and therefore he is
fauorable, which shall be
tried by others of the in-
quest, whether he be fauo-
rable or indifferent, and if
they say that he is fauora-
ble & not indifferent, then
he shalbe drawen out, o-
therwise he shalbe sworn.

Also a felon that is ar-
raigned may challenge xx.
Iurors peremptory with-
out any cause, and that is
in fauour of life, & as many
as he will with cause, but
then it shall be tried if for
such cause he be indiffe-
rent or not.

Champertie.

Champertie is a writ
and lyeth wherz two
men be impleading, and
one giueth the halfe or
part of the thing in plee to
a straunger for to main-
taine

tain him against the other, then the party grieved shal have this writ against the stranger. See the Statute Articuli super Chartas cap. II.

96 Champertors.

Champertors bee they that moue plees & suits, or cause to bee moued by their owne or others procurement, and sue them at their owne costes, to haue part of the lands or gaines in variance.

97 Charge.

Charge is where a man graunteth a rent issuing out of his ground, and that if the rent be behind, it shall be lawfull for him, his heires and assignes to distraine till the rent bee paid, this is called a rent charge. But if one graunt a rent charge out of the land of an other, though after he purchase the land, yet the graunt is void.

98 Charters.

Charters of lands are writings, deeds, euidences, & instrumētis, made from one man to another, vpon

reiner encounter le auter, donques le partie greeue auera cest briefe deuers le stranger. Vide le Statute Articuli super Chartas c p. II.

Champertors.

Champertors sont ceux que moua plees & suits, ou cause destte moue per leur ou auters procurement, & sue a leur costages & charge demesne, pur auer part del terre ou gaines en variance.

Charge.

Charge est lou vn home graunta vn rent issuant hors de son terre, & que si le rent soit arriere, que sera loial a luy, ses heires & assignes a distraire tanque le rent soit pay, cest appel vn rent charge. Mes si vn graunt vn rent charge hors del terre dun auter, coment puis il purchase la terre, vncore le graunt est void.

Charters.

Charters de terres sont escripts, faits, euidences, & instrumētis, fait de vn home a l'auter sur, aucun

ascun estate conueied ou
passed perenter eux de ter-
res ou tenemens, monstrat
les nosmes, lieu, & quan-
titie del terre, le estate,
tēps, & maner del fealans
de ycel, les parties a le es-
tate deliuer & prise, les tes-
moignes p̄sent al ceo, oue
autres circonstances.

99 Chattels.

CHattels sont en deux
sorts, cest adire, chattels
reals & chattels personels.
Chattels reals sont leases
pur ans, gards, & a tener
a volunt.

Chattels personels sont
touts moueable biens, cōe
argent, plate, biēs del mea-
son, chiuals, vacches, bles,
& tiels semblables.

100 Childwit.

CHildwit, hoc est, quod
capiatis gersumman de
natua vestra corrupta &
pregnata sine licētia vestra.

101 Chimin.

CHimin est le hault voy
lou chescun home passa
que est appel via Regia,
& vncore le Roy nad

some estate cōueied oz pas-
sed between them of lands
oz tenements shewing the
names, place, and quantity
of the land, the estate, time
& maner of the doing ther-
of, the parties to the estate
deliuered & taken, the wit-
nesses p̄sent at the same,
with other circumstances.

Chattels.

CHattels are in two sorts
that is to say, chattels
reals and chattels pe-
sonels. Chattels reals are
leases for yeeres, wards, &
to hold at will.

Chattels personels are
all moueable goodes, as
money, plate, household
stuffe, hozles, kyne, cozne,
and such like.

Childwit.

CHildwit, that is, that
you may take a fine of
your bondswoman, defiled
and begotten with childe
without your licence.

Chimin.

CHimin is the high way
where every man goeth
whitch is called via Regia,
and yet the king hath no
other

other thing there but the passage for him & his people, for the freehold is in the Lord of the soile, and all the profite growing there, as trees and other things.

102 Thing in action.

Thing in action, is when a man hath cause, or may bring an action for some dutie due to him, as an action of debt upon an obligation, or annuities, or rent, action of covenant, or ward, trespass of goods taken away, beating or such like, and because that they are things whereof a man is not possessed, but for recovery of them is driven to his action, they are called Things in action. And those things in action that are certaine, the Queene may graunt, and the grantee may use an action for them in his owne name only. But a common person cannot grant his thing in action, nor the Queene her selfe cannot grant her thing in action which is vncertaine, as trespass & such like.

aut chose la forsq; le passage pur luy & son peuple, car le freehold est en le Sñor del soile, & tous les profits cressants la come arbres & auters choses.

Chose en action.

Chose en action est quant vn home ad cause, ou poit porter vn action pur ascun dutie due a luy, come vn action de det sur vn obligation, annuity, ou rent, action de covenant, ou gard, trñs des biens emporte, baterie, ou tiels semblables, & pur ceo q̄ ils sōt choses de qux vn home nest possesse, mes pur recouerie de eux est mis a son action, ils sont appel choses en action & ceux choses en action q̄ sont certaine le Roigne poit grant, & le grantee poit user vn action pur eux en son nomme demesne solement. Mes vn common person ne poit graunter son chose en action, ne Roigne luy mesme ne poit graunter sa chose en action quel est vncertain, come trespass & tiels semblables.

The Exposition of

103 Cinque ports.

Cinque portes, sont certain haueu villes, sinke en number, as queux ad este graunt long temps passe mult liberties (que auters port villes nont) & ceo primermt en le temps del Roy Edward appel le Confessor (que fuit deuant le conquest) & fueront encreale apres, & ceo especialment en les iours del trois Edwards, le primer, second & le tierce (apres le conquest) come apiert en le lieur de Domesday, & aus vieux Monumets, queux en cest lieur serront trope long de citer.

104 Circuitry de Actiō.

Circuitry de action, est quat vn action est droitrelmt port pur vn duitie mes vncore circum le bush cee semble, pur ceo q ceo poit sibien estre auterment respondue & determin & le fuit saue, & pur ceo q mesme le action fuit plus que besoigne, il est appel circuit de action. Come si vn home graunt vn rent charge de x. li.

Cinque ports.

Cinque ports, be certain haueu townes, siue in number, to which haue beene graunted long time since many liberties (that other porte townes haue not) and that first in the tyme of King Edward called the Confessor (who was befoze the conquest) and hath beene increased since, and that chiefly in the dayes of the thre Edwards, the first, the secōd, and third (since the Conquest) as appeareth in the booke of Domesday, and other olde Monuments, which in this worke shold be too long to recite.

Circuitie of action.

Circuitie of actiō, is whē an action is rightfully brought for a dutie, but yet about the bush, as it were, for that it might as well beene otherwise answered and determined, and the suite saued, and because that the same action was moze then needfull, it is called circuitry of action: As if a man grant a rent charge of x. pound

out

out of his manor of Dale, and after the Graunte disseiseth the grauntoz of the same manor of Dale, and he vizketh an Assise and recouereth the lande, and xx. pound damages, the which xx pound being paid, the graunte of the rent sueth his action for x. pound of his rent due during the tyme of the disseisin, which if no disseisin had bin he must haue had, This is called circuitie of action, because it might haue been moze shortly answered, for whereas the grauntoz should receiue xx. pound damages, & pay x. pound rent, he might haue receiued but the x. li. onely for the damages, and the graunte might haue cut off and kept back the other x. pound in his handes by way of detainer for his rent, and so thereby might haue saued his action.

hors de son mannor de Dale, & apres le grantee disseisist le grauntor de meisme le manor de Dale, & il port vn Assise & recouer le terre & xx li. damages, lequel xx. li. estant paie, le grauntee del rent sue son action pur x. li. de son rent due durant le temps de le disseisin, lequel si nul disseisin ad este il doit auer ew, Cest appel circuitie de action, pur ceo que il poit auer estre plus briefment respondue, car lou le grauntor doit receiue xx. li. damages, & pay x. li. rent, il puit auer receiue forsque le x. li. tolement pur les damages, & le grauntee puit auer recoupe & retien arriere le auter x. li. en ses manes per voy de detainer pur son rent, & issint per ycel poit auer saue son action.

105 Claime.

Claime is a challenge by any man of the propriety or ownership of a thing which he hath not in possession, but that which is

Claime.

Claime est vn challenge per aucun home de le propriete ou ownership de vn chose que il nad en possession, mes ceo que est detains

The Exposition of

detaine a luy torciouse-
ment.

Wholden frō hīm wrong-
fully.

106

Clergie.

Clergie est vn auncient
libertie confirme en
diuers parliaments, Et est
quant vn home est arraign
de felonie ou tiels sem-
blables deuaunt vn tem-
poral Iudge &c. & le pri-
soner pria son clergie,
cest adire, pur auer son Li-
eur, quel en auncient tēps
fuit autant sicome il vst
prie destē dīsmisse del tē-
poral Iudge, & destē deli-
uer al Ordinary de purger
luy mesme de mesme of-
fence. Et donques le Iudge
commandera le Ordinarie
de trier sil poit lyer come
vn Clerke en tiel lieu & lieu
come le Iudge alsignera.
Et si le Ordinary certifie le
Iudge, que il poit, donques
le prisoner nauera iudge-
ment de perdre son vie.
Vide Stamford lib. 2. cap.
41. & quere le statute 18.
Eliz. cap. 7.

107

Clerke Attaint.

Clerke Attaint, est ce-
luy que pria son cler-

Clergie.

Clergie, is an auncient
liberty confirmed in di-
uers parliaments, And it
is when a man is arraign-
ed of felony and such like
before a temporall Iudge
&c. and the prisoner prayeth
his clergie, that is to say,
to haue his booke, which
in auncient time was as
much as if he desired to
be dismissed from the tem-
porall Iudge, and to be
deliuered to the Ordinary
to purge himselfe of the
same offence. And then
the Iudge shall command
the Ordinarie to trie if he
can reade as a Clerke in
such a booke and place as
the Iudge shall appoint.
And if the Ordinarie cer-
tifie the Iudge that he can,
then the prisoner shall not
haue iudgement to lose
his life. See Stamford
lib. 2. cap. 41. and see the
statute 18. Eliz. cap. 7.

Clerke Attaint.

Clerke Attaint, is he
which prayeth his cler-
gie

gie after iudgement giuen
vpon him of the Felonie,
& hath his Clergy allow-
ed, such a clerke might not
make his purgation.

108 Clerke conuict.

Clerke conuict, is hez
which praieth his cler-
gie before iudgemēt giuen
vpon him of the Felonie,
and hath his Clergie to
him granted, such a clerke
might haue his purgatiō.
Note that this purgation
was made, when he was
dismissed to the ordinarie,
there to be tried of the en-
quest of clerks. And ther-
fore now by the stat. of 18.
El.c.7. no such is put to
the Ordinarie.

109 Coadiutor.

Coadiutor to the dissei-
sin is he, which with
another disseiseth one of
his freehold, to the vse of
the other: & he shalbe pu-
nished as a disseisor, but he
is not suche a disseisor
which gaineth the free-
holde, but the freehold be-
steth and is all in him to
whose vse the disseisin
was committed, as it
appeareth in Littleton, lib.
3. cap. 3. of ioyntenants.

gie apres iudgement sur
luy done de felonie, & ad
son Clergie allow, tiel
clerke ne poit faire son
purgation.

Clerke conuict.

Clerke conuict, est ce-
stuy que pria son cler-
gie deuant iudgement
done sur luy de le felo-
nie, & ad le clergie a luy
graunt, tiel clerke puit
faire son purgation. Nota
que cel purgation fuit fait
quant il fuit dismissé al
ordinaire, la destre trie del
enquest del clerkes, & pur
ceo ore per statute 18. E-
liz. ca. 7. nul tiel est misse
al ordinarie.

Coadiutor.

Coadiutor al disseisin est
celuy, que oue aut dis-
seise vn de son franktene-
ment al vse de l'auter, & il
terra puny come vn dissei-
sor, mes il nest tiel dissei-
sor q̄ gaine le frākteneñt,
mes le frākteneñt vest &
est tout en celuy, a que vse
le disseisin fust commit,
come appiert en Little-
ton lib. 3. cap. 3. de ioynte-
nants.

F j.

110 C97

The Exposition of

210

Colour.

Colour, est vn fained matter, le quel le defendant ou tenant vie en son barre, quant vn action de trespass ou vn assise est port enuers luy, en le quel il done le demaundant, ou plaintife vn shew prima facie, que il ad bone cause de action, lou en veritie il nest iust cause, mes tant-solement vn colour ou visour dun cause: Et il est vse al entent que le determination del action doet este per les iudges, & nemy par vn ignorant lury de 12. homes. Et pur ceo vn colour doet este vn matter en ley, ou difficult al lay gents: come pur example, A. port vn assise de terre enuers B. & B. dit que il m'lessa mesme le terre al vn C. pur terme de vie & apres grant le reuerfion al A. le demandant, & puis C. le tenant pur terme de vie morust, apres que decease A. le demaundant claimant le reuerfion per force del graunt (ou C. le tenant pur vie ne vnques atturne) entra, sur que B.

Colour.

Colour, is a fained matter, which the defendat or tenat vseth in his barre when an action of trespass or an assise is brought against him, in which he giueth the demaundant or plaintife a shew at the first sight, that hee hath good cause of action, where in troth it is no iuste cause, but only a color & face of a cause: & it is vled to y intent y the determination of the action should be by y Judges, & not by an ignoranturie of 12. men. And therfore a color ought to be a matter in lawe or doubtfull to y comon people: as for example, A. bringeth an assise of land against B. and B. saith y he himselfe did let the same lande to one C. for terme of life, & afterward did grant the reuerfion to A. the demandant & after C. the tenant for terme of life died, after whose decease, A. the demandant claiming the reuerfion by force of y grant (wherto C. the tenant for lyfe, did neuer attorne) entred, vpon whome B. entred,

entred, against whom B. for that entre, brings this assise &c. This is a good colour because the comon people, thinke þ the lande wil passe by the grant w- out Attournement, where indeed it wil not passe, &c.

Also in an action of trespassse, colour must be giuen, and of them are an infinite number, one for example: in an action of trespassse for taking away the plaintifes beasts the defendaunt saith, that befoze the plaintife had a- rie thing in them, hee himseife was possessed of the as of his proper goods & deliuered them to A. B. to deliuer them to him a- gaine, whē &c. And A. B. gaue the vnto the plaintif, and the plaintife suppo- sing the properties to be in A. B. at the time of the gifte, toke them, and the defendaunt toke the from the plaintife, wherupon the plaintife bringeth an action, that is a good co- lour and a good plea. See moze hercof in the Dia- logues between the Doct. and Styd. lib. 2. cap. 13.

entra, enuers que A. pur m- entre port cest assise &c. Cest vn bone colour, pur ceo que les ley gentes pe- sant que le terre voile passe per le graunt sans attourn- ment, lou en fait il ne voile passe &c.

Auxy en vn action de trespassse, colour doyt este done, & de eux sont vn infinite number, vn pur exemple: En vn ac- tion de trespas pur pri- lel de auers del plaintife, le defendaunt dit, que deuant le plaintife riens auoit en eux, il mesme fuit possesse de eux come de les proper biens; & eux deliuer al A. B. pur eux rebailer a luy quando &c. & A. B. eux dona al Plaintife, & le Plaintife suppose le propertie de- stre en A. B. al temps del done prist eux, & le de- fendaunt eux reprist del plaintife, sur que le plain- tife port l'action: cest vn bone colour, & vn bone plea. Vide de ceo pluis en les Dialogues entre le Docteur & Student, lib. 2. cap. 13.

F ij.

iii Cor

The Exposition of

III Colour de office.

Colore officii, est toutes dices prist in malam partem & signifie vn acte malement fait per le countenance de vn office, & il port vn disimulant visage del droit office, lou le office nest que vaile del faulxite & le chose est ground sur vice & loffice est come vn shadow al ceo. Mes racione officii, & virtute officii sot prises tous foites in bonam partem, & lou le office est le iust cause del chose, & le chose est pursuant al office.

III Collusion.

Collusion, est lou vn action est porte vers vn autre per son agreement demesne, si le plainife recouer, tiel recouerie est dit per collusion, & en ascun cases le collusion sera enquire come en vn Quare impedit, Assise & tiels semblables, queux ascun corporation ou corps politique port enuers autre al entent de auer le terre ou aduowson,

Colour of office.

Colour of office, is alwaies takē in the worst part, and signifieth an act euill done by the countenance of an office, and it beareth a dissembling face of the right office, whereas the office is but a baile to the falsehood, and the thing is grounded by vice and the office is as a shadow to it. But by reason of the office, and by vertue of the office are taken alwaies in the best part, & where the office is the iust cause of the thing and the thing is pursuing the office.

Collusion.

Collusion, is where an action is brought against another, by his own agreement if the plaintife recouer, the such recovery is called by Collusion, and in some cases the collusion shall bee inquired of as in Quare impedit, and Assise and such like, which any corporation or body politique bringeth against another to the intent to haue the lande or aduowson, wherof

wherof & wher it is brought into Mortmaine. But in anowrye nor in any action personal, the collusion shal not be enquired. See the Statute W. 2. Chapt. 32. which giueth the quale ius and inquirie in such cases.

113 Commendry.

Commandry, was the name of a maner, or chiefe messuage, & which lands or tenements were occupied belonging to the late priory of S. Johns of Jerusalem in england, untill they were giuen to king Henry the 8. by statute made in the 32. yeare of his Reigne: And he, which had the governmēt of any such manor or house was called the Commander, which had nothing to do to dispose of it but to the vse of the priory, and to haue only his sustenance of it according to his degree, which was vsuall a brother of the same priory which had bene made knight in the warres against infidels, and were lately called Knightes of

dont le brieve est port en mortmaine. Mes en auowrie ne en ascun action personal le collusion ne serra enquire. Vide statute W. 2. cap. 32. q̄ done le quale ius & le inquirie in tiel case.

Commendry.

Commandry, fuit le-nosme dun mannor ou chief messuage, ou que terres ou tenemens fueront occupies pteignant al priory de S. Iohns de Ierusalem in engleterre, tanque fuer done al Roy Henry le huit per statute fait in lan 32. de son Reigne: & cestuy, que auoyt le goneruēt de ascun tiel manor ou mess. fuit appelle le commander, que n'auoit rien a faire ou disposer de ceo forsque al vse del priory, & d'auer solement son sustenance de ceo, selonque son degree que fust viualment vn frere de m le priory, que eyst estri fait chivalier en les gueres encounter infidels, & fueront iadis appelle Knightes of

The Exposition of

the Rodcs, or Knightes
of Malta, del lieux, lou
Jour graunde Master del
dist order enhabite: Vi-
de le dist statute, & lesta-
tute entitule de Templar-
riis, le decay des queux
fuer graunde encreale de
cel order, & plusours de
ceux commaundries sont
en le pais nosmes le Tem-
ple.

114. Common ley.

Common ley, est pur
le plus parte prise 3.
voyes. Primerment, pur les
leyes de cest Realme sim-
ply, sans aucun aut ley, cōc
customary ley, ciuil ley,
spiritual ley, ou quecunq;
aut ley ioine a ceo, come
quant il est despute en no-
stre leyes Dangleterre, quid
doet de droit este deter-
mine per le common ley
& quid per spiritual ley,
ou le court el Admiral
ou tiels semblables.

Secondarment il est
prise pur les courtes le-
y, come le barke le-
y ou common place,
tantollement pur monstre
la difference perentier eux

the Rodcs or Knightes of
Malta, of y places where
their graunde Master of
the saide order did dwell:
See the saide statute, and
the old Statute entituled
de Templariis, whose de-
cay was a great increase
of this order, and many of
these commaundries are
called in the cuntrey by y
name of Temples.

Common ley.

Common lawe, is for the
most parte taken thres
waies. First, for the lawes
of this Realme simple,
without any other, as cu-
stomarie lawe, ciuil lawe,
spiritual lawe, or whatso-
euer els lawe toynd vnto
it, as when it is desputed
in our lawes of England,
what ought of right to be
determined by y common
lawe, and what by the spi-
ritual lawe, or Admirals
court, or such like.

Secunderly it is taken
for the kinges courts, as
the kings Bench or com-
mon place, or ely to shew
a difference between them
and

and the base courtes, as customarie courts, Court Barons, county courtes, pipowders and such like, as when a plee of lande is remoued out of auncient demesne, because the land is franke fee and pledable at the common lawe, that is to saye, at the Kinges court, and not in auncient demesne, or in anie other base court.

Thirdly, and most vsually by the common lawe is vnderstood, such lawes as were generally taken and holden for lawe before any Statute was made to alter the same, as for example, Tenant for life nor for yeres, were not to bee punished for doing wast at the common lawe, til the statute of Gloucester, c. 5. was made which doth giue an actiō of wast against them. But tenant by the curtesie and tenant in dower were punishable for wast at the common lawe, that is to say, by the vsuall and common receiued lawes of the Realme before the saide statute of Glouc. was made.

& les base courtes, come customarie courts, courts Barons, countie courtes pipowders & tiels semblables: come q̄ t vn plee de terre est remoue hors de anciēt demesne par ceo que le terre est franke fee & pledable al commō ley, cest adire en la Court le Roy, & nemy en auncient demesne ou en ascun auter base court.

Tiercement & plus vsualmente per le comon ley est entendue tiels leys que fueront generalment prise & tenus pur ley deuāt que ascun estatute fuit fait pur alter ceo, come pur exāple, Tenant pur vie, ne pur ans ne fueront destē punish pur felonie wast al comon ley tanq; le statute de Gloucester ca. 5. fuit fait, le quel done vn action de wast enuers eux. Mes tenant per le curtesie, & tenant in dower, fueront punishable pur wast al comon ley, cest adire, per le vsuall & common receiued leys le Realm deuant le dit statute de Gloucester fuit fait.

The Exposition of

115

Common.

Common, est le droit que home ad de mitter les beaſts a paſture, ou de vſer & occuper le t're que neſt ſon proper ſoile.

Et nota que ſont diuers commons, ceſt a dire common en groſſe, common appendant, common appurtenant, & common per cauſe de viſinage.

Common en groſſe eſt lou ieo per mon fait grāt a vn auter, que il auer cōmon in ma terre.

Common appendant eſt lou home eſt ſeiſi de certain terre, a q̄ il ad common in auter ſoil, & tous ceux que ſerront ſeiſi del dit terre aueront le dit cōmon ſolement pur ceux beaſts que compaſt la terie a que il eſt appendant, except oyſons, chiuers, & perceoux.

Et tous iours, ceſt cōmon eſt per preſcription, & de common droit, & il eſt appendant al terre crable ſolement, &

Common.

Common, is the right, that a man hath to put his beaſts to paſture, or to vſe & occupy the ground, that is not his owne.

And note that there bee diuers commons, that is to ſay, common in groſſe, common appendant, common appurtenant, and common becauſe of neighborhood.

Common in groſſe is wher I by my deed grant to another that hee ſhall haue common in my land.

Common appendant is wher a man is ſeiſed of certaine land, to the which hee hath common in another's ground, and al they that ſhall bee ſeiſed of the lande haue the ſaide common onely for thoſe beaſts which compaſt that lande to which it is appendant, excepting geſe, goates & hogges.

And alwaies that common is by preſcription and of common right, and it is appendant to errable lande onely, and not

not to any other land or house.

Common appurtenant is in the same manner as common appendant. But it is with all manner of beastes, as well hogges, goates and such like, as horses, kine, oxen, shepe, and such as compass the ground. And this common may be made at this day, & may be severed from the land to which it is appurtenant, but so can not common appendant.

Common because of neighborhood is where the tenants of ij. Lords which be feiled of two townes, where one lyeth nigh an other, & euery of them haue vsed from the time wherof no minde runneth, to haue common in the other towne with all manner of beastes comminable.

But the one may not put his cattel in the others ground, for so they of the other towne may distraine them damage fessant, or may haue an action of trespass, but they may not put the into their owne fields, and so if they stray into

nemy al autre terre ou meason.

Common appurtenant est en mesme le manner come common appendant. Mes est ouesque toutes manieres des auers cibien porceaux, chiuers & tiel semblable, come chiuais, vacches, boefes, berbits, & tiels q̄ compaster le terre. Et tiel common poit este fait a cest iour, & poit este seuer del terre a q̄ il est appurtenant, mes issint ne poit cōmon appendant.

Common pur cause de visinage est lou les tenants de deux Seignours que sont seies de deux villes, dont lun gist pres l'autre, & chescun de eux ont vse de temps dont memory ne court, de auer cōmon en autre ville, ouesque tous beastes comminable.

Mes lun ne poit mitter ses auers en le terre l'autre, car la ceux de l'autre ville poient eux distraine damage fessant, ou auer action de Trespas, mes ils eux mittera en leur camps demesne, & s'ils estray en les

The Exposition of

les campos del auter ville,
ils la doyent eux sufferer.
Et les inhabitants de lun
ville ne doivent mitter eus
rants come il voile, mes
ayant regard al franktене-
ment del inhabitants de le
auter ville, car autrement
il ne serroit bon vicinitie,
sur que tout cest matter
depend.

116 Condition.

Condition, est vn res-
traint ou bridle annex
& ioyne al chose, issint que
per le non perfourmance
& fefans de ceo le partie al
condition receiuera preiu-
dice & perde, & per le per-
fourmance & faire de ceo
commoditie & aduan-
tage.

Et tous conditions sont
ou Conditions actual &
expresse, queux sont ap-
pel Conditions en fait, Ou
ils sont conditions impli-
cite ou tacite, & nient ex-
presse, les queux sont ap-
pelles Conditions en ley.

Auxy tous conditions
sont ou Conditions prece-
dent & vaient deuant les-
tate, & sont executed, ou

the fieldes of the other
towne, there they ought to
suffer them. And the in-
habitants of the one town
ought not to put in as ma-
ny beasts as they will, but
hauing regard to the inha-
bitants of the other town,
for otherwise it were no
good neighborhood, upon
which all this matter doth
depend.

Conditions.

Condition, is a restraint
or bridle annexed and
ioyned to a thing, so that
by the not performance or
not doing thereof the par-
tie to the condition shal re-
ceiue preiudice and losse,
and by the performance &
doing of the same commo-
ditie and aduantage.

And all Conditions are
either Conditions actu-
all and expresse, which
bee called Conditions in
deede, or els they be con-
ditions implied or couert,
and not expresse, which
are called Conditions in
law.

Also all Conditions are
either Conditions prece-
dent and going before the
estate, and are executed, or
els

ris subsequent and following after the estate & executorie.

The Condition precedent both get and gain the thing or estate made upon condition by the performance of the same.

The Condition subsequent both keepe and continue the thing or estate made upon condition by the performance of the same.

Actual and expresse condition, which is called a Condition in deed, is a condition knit and annexed by expresse words to the feoffment, lease, or grant, either in writing or without writing: As if I infeoffe a man in lands reserving rent, to be paid at such a feast, upon condition, that if the feoffee faile of payment at the day, that then it shall be lawfull for me to reenter.

Condition implied or covert and not expessed, which is called a condition in law, is when a man graunteth to another the office to be keeper of a Parke, Steward, Beadle, Bayliffe, or such like

subsequent & veniens apres le estate & executorie.

Le Condition precedent gaine & obtaine le chose ou estate fait sur condition per le performance de le condition.

Le Condition subsequent garde & continue le chose ou estate fait sur condition per le performance de ycel.

Actual & expresse condition, que est appelle vn condition en fait, est vn condition knit & annex per expresse parolx al feoffement, leas, ou graunt, ou en escript ou sans escript. Sicome ieo infeoffe vn home en terres reseruant rent, destre paid a tel feast, sur condition, que si le feoffee faile de payment al iour, q donques il terra loial pur moy de reenter.

Condition implicite ou tacite & niet expresse, q est appel condition en ley, est quant home graunt al autre le office destre gardein dun Parke, Seneschall, Beadle, Bailife, ou tels sembles pur

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pur terme de vie, & nient obstant q̄ la ne soit aucun condition expresse en le graunt, vncore le ley parle couerment de vn condition, q̄l est, que si le grauntee ne execute pas toutes points apperteinant a son office, per luy mesme ou son sufficient deputie, donque sera loial pur le grauntor de enter & discharge luy de son office.

Condition precedent & vaant deuant est, quant vn lease est fait al vn pur vie sur condition, que si le lessee pur vie voile paie al lessour xx. li. a tiel iour, que donques il auera fee simple, icy le condition preceede & va deuant le estate in fee simple, & sur le performance de le condition, get & gaine le fee simple.

Condition subsequent & veniens apres, est quant vn graunt a I. S. son mannor de Dale en fee simple sur condition, que le grauntee paiera a luy a tiel iour xx. li. ou autrement que son estate cessera, icy le condition est

for terme of life, & though there be no condition at all expressed in the graunt, yet the law speaketh covertly of a condition, which is, that if the grauntee do not execute all points appertaining to his office, by himselfe or his sufficient deputie, then it shall be lawfull to the grauntor to enter and discharge him of his office.

Condition precedent and going before is, when a lease is made to one for life vpon condition, that if the lessee for life will pay to the lessor xx. li. at such a day, that then he shall haue fee simple, heer the condition preceedes and goeth before the estate in fee simple, and vpon the performance of the condition, doth get and gaine the fee simple.

Condition subsequent & coming after, is when one granteth to J. S. his manor of Dale in fee simple vpon condition, that the grauntee shall pay to him at such a day xx. pound, or else that his estate shall cease, heer the condition is

subse-

is subsequent and following the estate in fee simple, and upon the performance thereof doth keepe & continue the estate.

See more of this in Littleton lib. 3. cap. 5. And Perkins in the last title of Conditions.

117 Confirmation.

Confirmation is when one which hath right to any landes or tenements maketh a deed to an other which hath thereof y^e possession or some estate with these wordes, Ratificasse, approbasse, confirmasse, with intent to enlarge his estate, or make his possession perfect and not defensible by him that maketh the confirmation, nor by any other that may haue his right.

Whereof see more in Littleton lib. 3. cap. 9. of Confirmations.

118 Confiscate goods.

Confiscate goods, are goods to which the law entitleth the Queen whē they are not claymed by anie other. As if a man be indicted that hee feloniz-

est subsequent & ensuant le estate in fee simple, & sur le performāce de ycel, gard & continue le estate.

Vide plus de ceo en Littleton lib. 3. cap. 5. Et Perkins titulo ultimo de Conditions.

Confirmation.

Confirmation est quant vn que aiet droit a ascun terre ou tenemts fait vn fait a vn auter que ait ent le possession ou ascun estate ouesq; ceux parolx, Ratificasse, approbasse, cōfirmasse oue intent de enlarger son estate, ou faire son possession pfect & nient defensible per luy que fait le confirmation, ne per ascun auter que poit assigner a son droit.

Dont vide plus en Littleton Lib. 3. cap. 9. de Confirmations.

Confiscate biens.

Confiscate biens, sont biens a l'aux le ley entitle le Roigne quant ils ne sont pas claime p ascun auter. Come si vn home soit endict que il feloniouslyment

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ousment embles les biens de l. S. lou en veritie ils sont ses biens demefne, & ils sont mise en court vers luy come vn mayneur, & adouques il est demand que il dit a ceux biens, & il denie eux, ore per cest denier de eux, il perdra ceux biens, coment que apres il soit acquite del felony, & issint en auters semblable cases.

119 Conspiracie.

Conspiracie est vn brieve & gist lou deux ou plusors sentailerent per seurement, couenant, ou aut maner aliance, q chescun aydera auter pur indicter ou appeller ascun home de felonie, donques celuy que est por tiel maner endict ou appeal, auera cest brieve, Mes cest brieve ne gist vers lendictors.

Vide plus de ceo en Stamford lib. 3. cap. 12.

120 Custome.

Consuetud' & seruitiis est vn brieve, & gist lou ieo ou mes ancestis depuis

ouste stole the goodes of J. S. where in tructh they are his owne goodes, and they are brought into the Court against him as a maineur, and then he is demanded what he saileth to those goodes, & he denieth them, now by this desitying of them, he shal lose those goodes, although that afterward he be acquitted of the felonie, and so in othier like cases.

Conspiracie.

Conspiracie is a writ & it lyeth where two or more knit themselves together by oth, conenāt, or other maner of aliāce, that every one shall helpe other for to indict or appeale any man of felonte, then he which is by such maner indicted or appealed shall have this writ But this writ lieth not against the indictors.

See more hereof in Stamford lib. 3. cap. 12.

Custome.

CUSTOMES and seruices is a writ, and lieth where I or my aunccestors after the

the limitation of assise (for which see the title of limitation in the collection of statutes) were not seised of the customs or services of my tenant before, then I shall have this writ to recover those services.

Also the tenant may have this writ against his Lord, but after that the tenant hath declared, the Lord shall defende the words of the declaration, and replying shal say, that hee distrained not for the customs whereof the declaration is, and then he shall declare all the declaration of the customs and services, & then the tenant who was plaintife shall become defendand, & shall defend by bataille or great assise.

121 Consultation.
Consultation, Whether: soze after in the title of Prohibition.

122 Continual claime.
Continual claime is wher a man hath right to enter into certain lands whereof an other is seised in fee simple or fee tayle,

le limitation de assise (pur q̄l vide le title de limitation en le collection de statutes) ne fueront seise des customs ou services de mon tenant, mes deuant, donques ieo aũa cest brief pur recouer ceux services.

Auxy le tenant poytauer cest briefe vers son Seignior, mes apres que le tenant ad count, le Seignior defendera les mots del count, & repliant dirra, que il ne distayna pas pur les customs dont le count est, & donques il countera tout le count de les customs & services, & donques le tenant q̄ fuit plaintife deviendra defendand, & defendra per bataille ou grand assise.

Consultation:
Consultation, Vide de ceo apres en le title de Prohibition.

Continual claime.
Continual claime est lou h-me ad droit de entre en certaine terres dont vn autre est seise en fee simple ou fee tayle, & d

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& il ne oſast enter pur pa-
nor de mort ou baterie,
mes approcha cy pres cōe
il oſast, & fait claime a
ceo deins le an & iour
deuant le mort de cestuy
que ad le terre, si apres
cestuy que ad le terre de-
mie seisie, & son heire est
eins per discent, vncore
cestuy que fait tiel claime
poit enter sur le heir nient
contristeant tiel discent,
pur ceo que il ad fait tiel
continual claime: Mes il
couient que cest claime
touts foits soit fait deins
lan & iour deuant le mort
le tenant, car si tiel tenant
ne morust seisie deins lan
& iour apres tiel claime
fait, & vncore il que ad
droit noſast enter, donques
couient al cestuy que ad
tiel droit de faire auter
claime deins lan & iour
apres le primer claime, &
apres tiel second claime
de faire le tierce claime
deins lan & iour, si il voit
este sure de sauoir son en-
tre. Mes si le disseisor de-
mie seisie deins lan & iour
apres le disseisin, & nul
claime fait, donques le

and hee dare not enter for
feare of death or beating,
but approacheth as nigh as
he dare, & maketh claime
thereto within the yeare
and day before the death of
him that hath the landes,
if after he which hath the
lande die seised, & his heir
is in by dissent, yet he
maketh such claime may
enter vpon the heir not-
withstanding such dissent,
for that that he hath made
such continual claime: But
it behoveth that such claim
alwayes be made within
the yeare & the day before
the death of the tenant, for
if such a tenant doe not die
seised within a yeare and a
day after such claim made,
and yet he that hath right
dare not enter, then it be-
hoveth him that hath such
right to make an other
claime within the yeare &
day after the first claime, &
after such second claime to
make y third claime with-
in the yeare and day, if hee
will be sure to save his en-
tre. But if the disseisor die
seised within the yeare and
day after the disseisin, and
no claime made, then the
entre

entre of the disseisee is taken away, for the yere & day shall not be takē from the time of the title of the entre to him growen, but only frō the time of the last claime by him made as is aforesaid. See moze hereof in Littl. lib. 3. cap. 7.

123 Counterplee.

Counterplee is wher one bringeth an actiō, & the tenat in his answer & pleē boucheth oz calleth for any mā to warrāt his title, oz praieth in aide of another, which hath better estate then he, as of him & is in the reuerfion, oz if one that is a stranger to the action, come & pray to be receiued, to saue his estat, if the demandant replie thereto, & shew cause that he ought not such a one to bouch, oz that he ought not of such a one to haue ayd, oz that such a one ought not to be receiued, this pleē is called a counterplee to the boucher, aid, oz rescit, as the case is, but if the boucher be allowed, and when bouchē cometh in, and demādeeth what cause the tenant hath, & the te-

entre le disseisee est tolle, car lan & iour ne serra prise de le temps del title dentre a luy accrue, mes solement de le temps del darrein claime p luy fait, come est auantdit. Vide pluis de ceo en Littleton lib. 3. cap. 7.

Counterplee.

Counterplee est lou vn port vn action, & le tenant en son respons & plee vouch ou appel pur aucun home pur garrāt son title, ou prayer ayde de auter, que ad meliour estate, cōe de cestuy en la reuerfion, ou si vn estrange al action vient & prayera destre resceu de sauer son estat, si le demaund' reply a ceo, & monstre cause que il ne doit tiel home vouch, ou que ne doit de tiel home eyde auer, ou que tiel home ne doit este resceu, cest plee est appel vn counterplee al vouch, ayde, ou rescit come le case est, mes si le vouch soit allow, & quant le vouch vient eins & demaund quel chose le tenant ad de luy vouch, & le tenant

G j.

naunt

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naunt monstre son cause,
& le vouchee plede alcun
matter de auoyer le gar-
rantie, ceo est appel couter-
plee del garrantie.

nant sheweth his cause &
the vouchee plede to ante
thing to auoid the warran-
tie, that is called a couter-
plee to the warrantie.

124. Contract.

Contract, est vn bar-
gaine, ou couenant
penter ij. parties ou vn
chose est done pur auter
que est appel (Quid pro
quo) come si ieo vede mon
chual pur argent, ou si
ieo couenant de faire lease
a vous de mon mannor
de Dale, en consideration
de xx. li. que vous dones
a moy, ceux sont bone cō-
tracts, pur ceo que il ad
vn chose pur auter, Mes si
vn home fait promise a
moy, que ieo auera xx. s.
& que il voyle este det-
tour a moy le ceo, &
puys ieo demaund xx. s.
& il ne voyle a moy deli-
uer, vncore ieo n'auera
iām s'acion pur recouer
cest xx. s. pur ceo que cest
promise ne fuit contract,
mes nū lū pactus, Et ex
nudo pacto non oritur ac-
tio, mes si alcun chose fuit
done pur le xx. s. melque

Contract.

Contract, is a bargain,
or couenant betwene
two parties, where ons
thing is giuen for another
which is called, Quid pro
quo, as if I sell my horse
for money, or if I couenāt
to make you a lease of my
mannor of Dale in consi-
deration of twenty pound
if you shall giue me, these
are good contractes, be-
cause ther is one thing for
an other, but if a mā make
promise to me, that I shal
haue twentie shillings,
and that he wil bee debtoz
to mee thereof, and after I
aske the twenty shillings,
and hee wil not deliuer it,
yet I shal neuer haue any
actiō to recouer this twen-
tie shillings, for that that
this promise was no con-
tract but a bare promise,
And ex nudo pacto non o-
ritur actio, but if anything
were giue for the twentie
shillings though it were
not

not but to the value of a peny, then it had bene a good contract.

il ne fuit forsque al value vn denier, donques il fait bone contracte.

125 Contra formam collationis.

Contra formam collationis.

Contra formam collationis, is a writte, and it lieth where a man hath giuen lands in perpetuall almesse to any of the late houses of Religion, as to an Abbot, and to the convent or other soueraigne, or to the warden or Master of any Hospitall, and his convent, to find certain poore men, and to doe other diuine seruice, if they alien the lands, then the donour or his heires, shall haue the said writ for to reconer the land, but this writte shall bee alwaie brought against the Abbot or his successor, and not against the aliener, although that he be tenant, but in all other actions where a man demandeth freehold, the writte shall be brought against the tenant of the lande. See the Statute Westm. 2. cap. 41.

Contra formam collationis, est vn briefe, & gist lou home done terres en perpetual almoigne a aucun meason de Religion, come a vn Abbe & la couent ou a auter Soueraigne, ou al garden ou Master de aucun Hospital, & son couent, de trouer certain pouer homes, & de faire auter diuine seruice, s'ils alien les terres, donques le donour ou ses heires, aueront le dit briefe pur reconer le terre, mes cest briefe serra tous foirs ports vers le Abbote ou son successor, & nemy vers alienee, coment que il soit tenant: mes en tous autres actions lou home demande franktenement, le briefe serra port vers le tenaunt del terre. Vide le Statute Westm. 2. cap. 41.

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126 Contra formam feoffamenti.

CONtra formam feoffamenti, est vn brieve, & gist lou vn home deuant lestatute de Quia emptores terrarum, quel fuit fait Anno 18. Edw. le prim infeoffe auter per fait de faire certaine seruice, si le feoffour ou ses heires distraigne luy de faire auter seruice que est comprise en le fait, donques le tenant auera cest brieve, luy commandant que il ne distrayne luy de faire auter seruice, que nest comprise deins le fait, mes cest bre ne gist pur le plaintife que clayme per purchase del primer fessée, mes pur tiel plaintife que clayme come heire al primer fessée.

127 Contributione faci- cienda.

CONtributione facienda, est vn brieve, & gist lou sont diuers Parceners & celuy que ad le part del eygn, fait tout le suit al Seignour, les autres doivent faire contribution a luy,

Contra formam feof- famenti.

CONtra formam feoffamenti, is a writte, and it lieth where a man before the statute of, Quia emptores terrarū, which was made An. 18. Ed. the first infeoffed an other by deed to do certain seruice, if the feoffour or his heires distraigne him to doe other seruice then is comprised in the deed, then the tenant shall haue this writ, commanding him that he distrayne not him to doe other seruice, that is not comprised within the deed, but this writ lieth not for the plaintife which claymeth by purchase fro the first fessée: but for such plaintife as claymeth as heire to the first fessée.

Contributione faci- cienda.

CONtributione faciendi, is a writ, and it lyeth where there are diuerse Parceners, and he which hath the part of the eldest doth make all the suite to the lord, the other ought to make contributiō to him, and

and if they wil not, he shal
haue against them the said
writte.

128 Conusance.

COnusance of Pleé, is a
Priuiledge that a Ci-
tie or Towne hath of the
Kings graunt to hold pleé
of all contractes, and of
landes within the pre-
cincte of the Franches,
and that when any man is
impleaded for anie such
thing in the Court of the
King at Westminster, the
Mayor and Baylifes of
such franchises or their at-
turney may aske Conu-
sance of the pleé, that is to
say, that the Pleé and the
matter shall be pleaded &
determined before them.
But if the court at west-
minster be lawfully seised
of the Pleé, before Conu-
sance be demaunded, then
they shal not haue Conu-
sance for that suit, because
they haue negligently sur-
ceased their time of demãd
thereof, but this shall
bee no barre to them to
haue Conusance in ano-
ther action, for they may
demand conusance in one
action, & omit it in another

& sils ne voillent il auer
vers eux le dit briefe.

Conusance.

COnusance de pleé, est
un priuiledge que un
cité ou ville ad del grant
le Roy de tener pleé des
toutes contractes, & des
terres deus le precinct
del Fraunchises: & que
quant ascun home est im-
pleaded, pur ascun tiel
chose en le court de Roy
al Westminster, les Ma-
yors ou Baylifes de tiels
Franchises, ou leur At-
turneys poyent demaun-
der Conusance del pleé,
scilicet, que le pleé & le
matter serra pled & de-
termine deuaunt eux.

Mes si le court al Westm.
soit loyalment seisi del
pleé deuaunt que Conu-
sance soit demaund, don-
ques ils ne aueront conu-
saunce pur cest suite, pur
ceo q'ils ont negligentmt
surcease leur temps de de-
maunder ceo, mes cest ne
serra barre al eux d'auer
conusance en auter actiõ,
car ils poyent demaunde
Conusance en vn action,
& omitte ceo en auter
action

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action a lour pleasure.

Et nota que Conuſance ne giſt en preſcription, mes ils couient mouſtre letters patens le Roy pur ceo.

129 Corodie.

Corodie eſt vn allowance de meate, pane, boier, argent, veſtments, lodg. & tiels choles neceſſarie pur ſuſtenance: ceo aſcun fois eſt certain ou le certainty des choles eſt limit, aſcun fois vncertain low n. ſt limit le certaintie que il auer, Et aſcun de eux commence per graunt fait per aſcun home al auter, & poit eſtre pur vie, ans, en tail ou fee: & aſcun Corodies ſont de commō droit, ſi come cheſcun fōūder de Abbie, Prioris, Nunries, & auters meafons de religion papiftick, auoient authoritie d'assigner iel in meſme les meafons (quant ils fueront) pur ſon pere, frere, coſin ou auter home que il voit, que prēdroit ceo, ſil fait vn meafon de moignes, & ſil ſoit fōūd' del meafon de Nuns

action at their pleasure.

And note that Conuſance lyeth not in preſcription, but it behoueth to ſhew the kings letters patens for it.

Corodie.

Corodie is an allowance of meate, bread, drinke, money, clothing, lodging, and ſuch like thinges neceſſarie for ſuſtenance, It is ſometimes certain wher the certaintie of thinges is ſet doſown, ſometimes vncertain wher the certaintie of thinges is not ſette doſown which he ſhal haue, And ſome of them began by grant made by one mā to another, and it may be for life, yerces, in taile, or in fee, and ſome Corodies are of common right as euery founder of Abbies, Priories, nunries & other houſes of religion, had authoritie to assigne ſuch in the ſame houſe, whē they ſwer ſtāding for father, brother Coſin or other man that hee would appoint, ſhould take it, if it were a houſe of monkes, and if he were founder of a houſe of nuns

oz women, then for his
Mother, sister, cousin oz
ther woman that he would
directe thether, and al-
waies this was prouided
for, that he that ha^t Corod-
ie in a house of Monkes
might not sende a woman
to take it. For where Co-
rodie was due in a Nun-
rie, there it was not law-
ful to appoint a man to re-
ceiue the same, for in both
cases such presentation
was to bee reiected, And
this corodie was due as
well to a common person
as was founder, as where
the king himselfe was
founder, but where the
house was holden in frā-
almoigne, there the tenure
it selfe was a discharge of
corody against al men, ex-
cept it were afterwarde
charged voluntarily, as
when the king would sende
his writ to the abbot for
a corodie, for such a one
whom they admit, there the
house shoulde bee thereby
charged for cuer, whether
the king were founder oz
not. See the writ of Co-
rod. hab. in Fitz Natura
b^r. fol. 230.

ou muliers, dunque ceo
pur la mere, soer, cousin
ou aut^e mulier que il voil
direct al ceo, & toutes
iours cest prouiso fuit ew,
que il que ad Corody en
vn meson de moignes ne
doit mitter vn feme de
prendre ceo. Ne ou Co-
rodie fuit due en vn Nun-
rie, la il ne fuit loyall de
appointer vn home de re-
ceiuer ceo, car en ambi-
deux cases tiel presentati-
on fuit destre reiect. Et
cest Corody fuit due sibi-
en a vn common person
que fuit founder, si come
ou le Roy mesme fuit
founder, mes ou le meson
fuit ten^r en frāalmoigne,
la le tenure mesme fuit
vn discharge de corody en-
conter tous homes si non
que il fuit apres charge vo-
luntarment, come ou le
Roy voit mitter son brieve
al Abbe pur vn corody pur
vn tiel le que als admit, la
le meson doit este charge
per ceo a toutes iours, si
le Roy soit found^r ou ne-
my: vide breue de Corod.
hab. en Fitz. Natura b^r.
fol. 230.

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130 Coroner.

CORONER est vn aune' office de trust, & de grand authorite, ordain desten principal conseruator, ou gardein de la peas, a port record ds Plees del crown & de son view demesne & de diuers auter choses mult en number &c. & par ceo en temps le Roy Edward le primer cest estatute sequens fuit fait pur ceo que petit gents meins sages soient eslieus ore de nouel communement al office del Coroner, ou mistyer serroit que probes homes, loyals & sages se entermellant de cel office. Pur ceu est, que per toutes les Counties soyent eslieus sufficiēt homes coroners, de plus loials & plus sages chiualers, que mieux sachāt purissint & voient a cel office entendre, & que loialment attachent & representent le plees del Corone.

Et nient obstante le letē de cest estatute ne soit précisément obserue, vncore al meins le entent doit estre pursue, cy pres come

Crowner.

CROWNER, is an ancient officer of trust & of gret authority ordained to be a principal conseruator, or keeper of y peace to beare recozd of the Plees of the Crowne of his own sight & of diuers other things manie in number &c. and therefore in King Edward the first daies this Statute following was made, forasmuch as mean men and vndiscrete now of late are commonly chosen to the office of the Coroner, where it is requisite that wise men lawfull & able should occupie such offices, It is provided y through al shires sufficiēt men shoulde bee chosen to bee Coroners, out of the most wise and discreetest knights which best knew coulde and would attende this Office, and which faithfully made and represented the Plees of the Crowne.

And although the Letter of this statute bee not precisely obserued, yet at the least the intent shoulde bee folloved as nigh as mought

mought bee, that for the default of knights, Gentlemen furnished with such qualities as the Statute setteth downe (of which sort there be many) might be chosen with this addition that they be vertuous and good known Christians. See hereof in the writ de Coronatore eligendo in Fitz. Natura breuium fol. 163.

131 Corporation.

Corporation, is a permanent thing that may haue succession: And it is an assembly and ioyning together of many into one fellowship, brotherhood and mind, whereof one is head and chiefe, the rest are the bodie, and this head and bodie knit together make the Corporation. And of Corporations some are called spirituall and some temporal, and of those that are Spirituall, some are corporations of dead persons in Law, and some otherwise, and some are by the auctoritie of the King only, and some haue been of a mixt auctoritie.

poit, issint que pur le default des chivaliers, gentles homes furnished oue tiels qualities sicome le Statute parle (de que ils y ad diuers) poient estre esliu, oue cest addition que ils soient vertuous & bon connus Christians. Vide de ceo en le brieve de Coronatore eligendo in Fitz. Natura breuium fol. 163.

Corporation.

Corporation, est vn chose permanent que poit auer succession: Et est vn assembly & ioyning ensemble de diuers en vn fellowship, fraternite, & ment, de que vn est le teste & principall, les auers sont le corps, & cest teste & corps ioint ensemble font le Corporation. Et de Corporations ascuns sont appellees spirituels & ascuns temporals, & de ceux que sont spirituels ascuns fueront corporations de mort persons en ley, & ascuns autrement, & ascuns sont per auctoritie del Roy solement, & ascuns ont estre dun mixt auctority.

The Exposition of

Et de ceux queux sont temporall ascuns sont per authorite del Roigne auxy, & ascuns per le common ley del Reame.

Corporation Spirituall & de mort persons en ley, est lou le Corporation consist dun Abbe & Couent, & ceux ont leur commencement del Roy, & le home de Rome, quant il y ad a faire cy.

Corporation spiritual & del able persons en ley, est lou le Corporation consist dun Deane & Chapter, Master del Colledge ou Hospitall, & cest corporation ad commencement del Roy solement.

Corporation temporall per le Roy est lou est vn Maior & Comminaltie.

Corporation temporall per authorite del common ley est le assembly en Parliament, le quel consist del Roigne le reste del corporation, & des Seigniors spirituals & temporals, & les Commons del Reame, le corps del corporation.

And of those that are temporall some are by the authoritie of the Queene also, and some by the common law of the Realme.

Corporation Spirituall and of dead persons in the law, is where the Corporation consisteth of an Abbot and Couent, and these had beginning of the king, & the man of Rome when he had to do heer.

Corporation spiritual and of able persons in law is where the Corporation consisteth of a Deane and Chapter, Master of a Colledge or Hospitall, and this corporation had beginning of the king only.

Corporation temporall by the king is where there is a Maior & Comminaltie.

Corporation temporall by authoritie of the common law is the assembly in Parliament, which consisteth of the Queene the head of the corporation, and of the Lordes spiritual and temporall, and the Commons of the Reame, the bodie of the corporation.

Bodies

132 Bodies politike.

BOdies politike, are **Bi-**
shops, Abbots, Priors,
Deans, Parsons of church-
es, and such like, which
haue succession in one per-
son onely.

133 Corruption of
blood.

Corruption of blood, is
when any is attainted
of Felony or Treason,
then his blood is said to be
corrupt, by meanes wher-
of his children nor any of
his blood cannot be heires
to him or to any other an-
cestor, for which they
ought to claime by him.
And if he were a noble or
gentleman before, he and
all his children therby are
made vnnoble & vngentle,
hauing regard to the no-
bility or gentrie they claime
by their father, which can
not be made whole againe
by the kings grant with-
out authoritie of Parlia-
ment.

134 Cofinage.

Cofinage, is a writ, and
it lyeth where my great
Grandfather, my Grand-
fathers grandfather, or o-
ther cosin dieth seised in fee

Corps politike.

Corps politik, sont Euef-
ques, Abbés, Priors,
Deans, Parsons dun es-
glise, & tiels semblables,
queux ont succession en vn
person solement.

Corruption of
blood.

Corruption de sangue, est
quant ascun est attraint
de Felony ou Treason, dō-
ques son sangue est dit deste
corrupt, per reason de quel
ses enfans ne ascun de son
sangue ne poyent estre
heires a luy ne al ascun au-
ter auncester, pur que ils
doient claime per luy. Et
el fuit noble ou gentle
home deuant, il & tous
ses enfans per ceo sont
faits ignoble & vngentle,
ayant regard al nobilitie
ou gentrie ils claime per
leur pere, que ne poit este
fait sane arriere per graunt
le Roy sans authoritie de
Parliament.

Cofinage.

Cofinage est vn brieve,
& gist lou mon befaiel,
mon tresaiel, ou auter
cosin deuis seise en fee
simp'e,

The Exposition of

simple, & vn estrange abata, cest adire, enter en les terres, donques ieo auera vers luy cest briefe, ou deuers son heire ou son alienee, ou deuers quecunque que auaigne apres a les dits terres. Mes si mon aiel deue seisi, & vn estrange abate, donques ieo auera vn briefe de Aiel. Mes si mon pere, mere, frere, soer, vncle, ou aunt, deue seisie, & vn estrange abata, donques ieo auera vn Assise de Mortdauncester.

135 Couenant.

Couenant, est vn agreement fait per fait en escript & enseale perenter deux persons, lou chescun de eux est tenu al auter de performer certaine couenants pur son part, si lun de eux ne tient pas son couenant mes enfreint ceo, donques celuy que se sent de ceo greeue, auera ent vn briefe de Couenant.

Et nota bien q nul briefe de Couenant serra maintainable sauns especialite, sinon en la Citie de

simple, and a stranger abateth, that is to say, entreteth into the landes, then I shall haue against him this writ, or against his heire, or his alienee, or against whomsoever that commeth after to the said landes. But if my Grandfather die seised & a stranger abateth, then I shall haue a writ of Aiel. But if my father, mother, brother, sister, vncle, or aunt, die seised, and a stranger abateth, then I shall haue an Assise of Mortdauncester.

Couenant.

Couenant, is an agreement made by deede in writing & sealed betwene two persons, where enery of them is bounden to the other to performe certaine couenants for his part, and if the one of them holdeth not his couenant but breaketh it, then he which therof sealeth himself greeued, shall haue thereupon a writ of Couenant.

And note well that no writ of Couenant shal be maintainable without especialite, but in the City of

Lon-

London, or in some other
such place privileged by
custome and vse.

Londres, ou en ascun autre
tiel lieu priuledge per cus-
tome & vse.

136 Couerture.

Couerture, is whē a mā
and a woman are mar-
ried together, now what-
soeuer is done concerning
the wife in the time of the
continuance of this mari-
age betwene them is said
to be done during the co-
uerture, and the wife is
called a woman couert.

Couerture.

Couerture, est quant vn
home & vn feme sont
espouse ensemble; ore as-
cun chose que est fait cō-
cernant la feme en le tēps
de le continuance de cest
marriage perenter eux est
dit destre fait durāt le co-
uerture, & le femē espouse,
est appel vn feme couert.

137 Couin.

Couin, is a secret assent
determined in ʒ hartes
of two or moze, to the pre-
iudice of any other: As if
a tenant for terme of life,
or tenant in taile will se-
cretly conspire with ano-
ther, that the other shal re-
couer against the tenaunt
for life the lande which he
holdeth &c. in preiudice of
him in the reuersion.

Couin.

Couin, est vn secret assent
determine en les cures
de deux ou plusors al pre-
iudice dun autre: Come si
tenant pur tme de vie, ou
tenant en le taile secret-
ment conspire oue vn aut,
q̄ l'auter recouera vers le t̄
pur vie le terre que il tient
&c. en preiudice de ccluy
en le reuersion.

138 Cui in vita.

Cui in vita, is a writ, and
it lieth where a man is
seised of landes in fee sim-
ple, or fee taile, or for terme
of life in the right of his

Cui in vita.

Cui in vita est vn briefe
& gist lou home est
seisi de terres en fee sim-
ple, ou fee taile, ou pur
terme de vie, en droit la
feme,

feme, & alien mesme le terre, & denie, donques el auera le dit brieve pur recouerer la terre.

Et nota bien que en cest brieve son tiale doit este monstre si loit de purchase la feme, ou de lheritage la feme. Mes si le baron alien le droit la feme, & le baron & la feme deuont, le heire la feme auera vn brieve de sur Cui in vita.

139 Cui ante diuortiu.

Cui ante diuortiu, est vn brief, & gist en semble maner, quant nul alienation est fait per le baron del terre la feme, & pays deuorce est ew enter eux, donques la femme auera cest brieve, & le brieve dirra, cui ipsa ante diuortium contradicere non potuit.

140 Curtesie Dengleterre.

Curtesie Dengleterre, est lou home prent feme seise in fee simple ou fee tail general, ou seise come heire de la taile especiall, & ad issue per la feme

swife, & alieneth the same land & dieth, then she shall haue the said writ for to recouer the land.

And note well \bar{y} in this writ her title must be shewed whether it be of the purchase of the woman, or of the heritage of \bar{y} woman. But if the husband alien the right of his swife, & the husband and the swife die, the swifes heire may haue a writ of sur Cui in vita.

Cui ante diuortium.

Cui ante diuortium is a writ, & it lyeth in like manner, when such alienation is made by the husband of the swifes land, & after deuorce is had betwene them, then the woman shall haue this writ, & the writ shal say, to whom she before \bar{y} deuorce might not gainsay.

Curtesie of Eng-land.

Curtesie of Englande, is where a man taketh a swife seised in fee simple or fee taile general, or seised as heir of the taile especiall, & hath issue by the wife male.

male or female, be the issue dead or in life, if the wife die, the husband shall holde the lande during his life by the law of England: And it is called tenant by the Curtesie of England, because that this is not used in no other realme but onely in England.

D.

141 Damage fasant.

DAmage fasant, is when a straungers beasts are in an other mans ground without lawful authoritie or licence of the tenant of the ground, and there do feede, tread, and otherwise spoyle the corne, grasse, woods, or such like: In which case the tenant whom they hurt may therfore take, distraine, and impound them, aswell in the night as in the day. But in other cases, as for rent and services and such like, none may distraine in the night season.

142 Danegelde.

DAnegelde, that is to be quite of a certaine custom which hath run som-

male ou female, soit le issue mort ou en vie, si la femme deuie, le baron tyendra la terre durant sa vie per la ley de Angleterre: Et est appel tenant per le Curtesie Dengleterre, pur ceo que nest vie en nul autre Realm forsqu; tantselement en Engleterre.

D.

Damage fasant.

DAmage fasant, est quant les beasts de vn estrange sont en autres terres sans auctorite loial ou licence del tenant de la terre, & la mangeront, tread, ou autrement spoient les blees, grasse, bois, ou tiels semblables: En quel case le tenant que ils issint damage, poit pur ceo prendre, distraire, & impound eux, sibien en le nuict come en le iour. Mes en autres cases, come pur rent & services & tiels semblables, nul poit distraire en le nuict temps.

Danegelde.

DAnegelde, hoc est quietum esse de quadam consuetudine que currit aliquo tempore.

The Exposition of

tempore, quam quidē Dani leuauerunt in Anglia.

Ceo commence primerment en tēps le roy Etheldred, quel esteant en grand distresse per le continual inuasion de les Danes, pur purchaser paix, fuit compel de charger son pais & people oue importable paiments, car il primerint dona eux al sink seuerall payments 113000. li. & puis graunt al eux 48000. li. annualment.

143 Darrein presentment.

DArrein presentmēt, Vide de ceo apres titulo Quare impedit.

144 Deane & Chapter.

DEane & Chapter, est vn corps corporale spiritual, consistant de plusieurs able persons en ley, come nosinement de Deane (que est principal) & ses Prebends, & ils ensemble font le Corporation. Et sicome cest Corporation poyent jointment purchase terres & tenements al vse de lour esglise & successors. Il sint auxy chescun de eux

times, which the Danes did leue in England.

This began first in the time of King Etheldred, who beeing soze distressed by the continuall inuasion of the Danes, to purchase peace, was compelled to charge his countrey and people wth importable payments, for hee first gaue them at five seuerall payments 113000. pounds, & afterwards granted them 48000. pounds yearely.

Darrein presentment.

DArrein presentmēt. Look therfore after in the title Quare impedit.

Deane & Chapter.

DEane & Chapter, is a bodie corporate spiritual, consisting of many able persons in law, as namely the Deane (who is chiefe) and his Prebends, and they together make the Corporation. And as this Corporation may jointly purchase lāds and tenements to the vse of their church & successors. So likewise euery of them

seue

generally may purchase to the use of himselfe and his heires.

145 Decies tantum.

Decies tantum, is a writ and lyeth where a iurour in any inquest, taketh money of the one parte or other to giue his verdict, then he shall pay tenne times as much as he hath receiued, & euery one that wil sue may haue an action, & shall haue the one halfe, & the king the other halfe. But if the king in such case release by his pardon to such a iuror, yet it shal be no barre against him & bringeth the actiō, but that he shall recouer & other half, if his action bee commenced before the pardon of the king, but if the pardon bee before any action, it is a barre against al men. And the same law is of all other actions popular, where one party is to the king, & the other to the partie that sueth. Also the embracers which procure such inquestes shal be punished in the same manner. And they shall haue imprisonment of a year,

seuerallment poit purchase al use de luy & les heires.

Decies tantum.

Decies tantum, est un briefe, & gist lou un iurour en aucun enquest, prist argent d'un partie ou d'auter pur dōe son verdict, doncque il payera x. fons a tant q'il ad receue. Et chescun que voyl suer puit auer le action, & auera lun moitie, & le roy l'auter moity. Mes si le roy en tiel case releale per son pardon a tiel iurour, vncore ceo ne ferra barre vers cestuy que port l'action, mes que il recouera l'auter moytie, si son action soit commence deuant le pardon le Roy, mes si le pardon soit deuant aucun action, il est barre encounter toutes gents. Et mesme le ley est de toutes actions populaires lou vn part est al Roy, & l'auter al partie que suera. Auxy les embracers que procurent tiels inquestes seront puny en mesme le manner & ils aueront prisonniē de un an,

H j.

Mez

The Exposition of

Mes nul iustice enquirera
de ceo de office, mes sole-
ment al suite del partie.

but no iustice shall inquire
therof of office, but only at
the suite of the partie.

146 Declaration.

DEclaration, est vn mon-
strance en escript de
le grieve & complaint de
le demandant ou plain-
rife enuers le tenant ou
defendant, en que il sup-
pose de auer receue tort,
& ceste declaration doit
estre plaine & certaine, pur
ceo que il impeach le de-
fendant ou tenant & auxy
chace celuy a responder.
Mes nota que declaration
fait per le demandant vers
le tenant en action Real,
est appel properment vn
Count.

Nota que le Count ou
declaration doit contene
demonstration, declara-
tion & conclusion. Et en
demonstration sont con-
teines troys choses (cest
adite) que se pleint, &
deuers que & de quel
chose, & en le decla-
ration doyr estre com-
prise come & en quel
manner le cause del action

Declaration.

DEclaration, is a shew-
ing in writing of the
grief and complaint of the
demandant or plaintife
against the tenant or de-
fendant, wherein hee sup-
poseth to haue receiued
wrong; this declaration
ought to be plain and cer-
taine, both because it im-
peacheth the defendant or
tenant & also compelleth
him to make answer ther-
to. But note that such decla-
ration made by the deman-
dant against the tenant in
an action Real, is proper-
ly called a Count.

Note that the Count or
declaration ought to con-
teine demonstration, decla-
ration, & conclusion. And
in demonstration are con-
tained 3 things, (that is
to say) who him complai-
neth and against whom, &
for what matter, & in the
declaration what ought to
be comprised, how and in
what manner the action
rose

tofe betwene the parties,
& when & what day, yere
and place, and to whome
the action shalbe giuen.

And in the cōclusion hee
ought to auerre & profer
to proue his suit, & shewe
the damage which he hath
sustained by the wrong
done vnto him.

147 Dedimus pote-
statem.

Dedimus potestatem, is
a writ, & it lieth where
a man sueth in the kinges
Court, or is sued, & may
not well trauell, then he
shall haue this writ direc-
ted to some Justice or o-
ther discreet person in the
country to giue to him po-
wer to admitte some man
for his Atturney, or to le-
ue a fine, or to take his cō-
fession or his answer, or
other examination as the
matter requireth.

148 Defendant.

Defendant, is he that is
sued in action perso-
nall, and he is called te-
nant in an action Reall.

149 Defence.

Defence, is that which the
defendant ought to make

surdit enter les parties, &
quant & quel iour, an, &
lieu, & a que l'action sera
donc.

Et en perclose il doit
auerre & profer de pro-
uer son suite & monstra
les dammages queux il
susteine per le tort a luy
faite.

Dedimus pote-
statem.

Dedimus potestatem, est
vn briefe, & g' st luy vn
home sua in le court le
Roy, ou est sue & ne puit
bien traueler, donq; il aue-
ra cest bre direct a ascun
Justice ou aut discrete p-
son en le payes de dorer a
luy power pur admit ascun
pur son Atturney, ou de le-
ue fine, ou de prender son
confession ou son respons,
ou auter examinatio come
le matter require.

Defendant.

Defendant, est celuy que
est sue en action perso-
nel, & il est app' l' r. nat est
vn action Real.

Defence.

Defence, est ceo que le
defendaunt doit faire

H ij.

imj.

The Exposition of

immédiatement apres le count ou declaration fait, cest adire, que il defendra tout le tort force & damage, lou & quant il deuera, & donques de procede ouster a son plee, ou de imparler.

Et nota, que entant que il defend tort & force il se excuse del tort vers luy surmise, & fait le partie al plee, & per tant que il defende les damages, il affirme le partie plaintife able destre respondue.

Et pur le residue del defence, il accept le power del Court de oyer & determiner les ples de cel matter. Car sil voile pleder al Iurisdiction, il doit omitter in son defence les parols (ou & quaut il deuera) & sil voile monstre ascun disability en le plaintife, & demaund iudgement si le partie serra respondue, donques il doit omitter le defence del damage.

immediatly after the count or Declaration made, that is to say, that he defendeth all the wrong, force, and damage, where & when he ought, and then to proceede farther to his plea, or to imparle.

And note, that in so much that he defendeth the force and wrong he doeth excuse himselfe of the wrong agaynst him surmised, & maketh him partie to the plea, and in so much that he defendeth the damage, he affirmeth the partie plaintife able to be answered vnto.

And for the residue of the defence, he accepteth the power of the Court to heare and determine their pleas of this matter. For if he will pleade to the Jurisdiction, hee ought to omitte in his defence these wordes (ou & quaut il deuera.) And if hee will shewe any disability in the playntife, and demaund iudgement, if the partie shall be answered vnto, then hee ought to omitte the defence of the damage.

150 Demaundant.

Demaundant, is he that sueth or complaineth in an Action Reall for title of lande, and he is called plaintife in an assise, & in an action personall as in an action of debt, trespass, deceit, detinue and such like.

151 Demaines.

Demaines, or demesnes generalle speakinge according to the Lawe, be all the partes of anye mannoz which bee not in the handes of freeholders of estate of enheritaunce, though they bee occupied by copyholders, lessees for yeeres, or for life, as well as tenaunt at will: But especially to speake, demaines according to the common speeche bee onely vnderstande the Lordes chiefe manor place, which hee and his auncestours haue from time out of minde, kept in their owne hands, and haue occupied the same, together with all buildings and houses

Demaundant.

Demaundant, est celuy que sue ou complainte en Action Reall pur title de terre, & il est appel plaintife en vn assise, & en vn action personall, come en action de debt, trespass, deceit, detinue & tiels semblables.

Demaines.

Demaines, ou demesnes generalment a parler solong; le ley sont tous les parts de ascun manor q̄l ne sont en maines del freeholders destate denheritaunce, coment soient occupies p tenant per copy de Court Roll, lessees pur ans, ou pur vie, cy bien come tenat a volunte: mes specialment a parler demaines solong; le common parlance sont solement entend le principal manor place del seignior, que il & ses ancestors ont eue de temps hors de memorye en leur maines demesne, & ount occupy ceo, ensemble oue tous edifices & measons

H iii.

que-

The Exposition of

quecunque, Et auxi les pes,
pastures, boyes, terres er-
rable, & uels semblables,
ou ceo occupie.

152 Demy sanke ou
sanguie.

Demy sanke est quant
vn home mary vn feme
& ad issue per luy vn firs
ou file & le feme morust,
& donques il prist vn au-
ter feme, & ad per luy au-
xy vn firs ou file. Ore
ceux deux firs sont selon-
que vn manner freres, ou
come ils sont appels de-
my freres, ou freres del
demy sanke cest adire fre-
re p le part de pier par ceo
que ils ont ambideux vn
pier, & sont ambideux de
son sanguie, & nemy freres
per le part le mere, ne de
aucun sanke ou kinne cest
voy, & par ceo lun de eux
ne pout este heire al au-
rer, car il que voil claime
come heire al vn per dis-
cent, do t este dentier sank
a luy de que il claime, En
mesme le maner est si fa-
m eyt diuers issues per diuers
barons qui freres yterini
dicuntur.

whatsoener, also the meas-
dowes, pastures, woods,
errable lande, & such like,
therewith occupied.

Halfe bloud.

Halfe Bloud, is when a
man marieth a wife,
and hath issue by her a son
or daughter, and thereof
dieth and then hee taketh
another woman and hath
by her also a sonne or
daughter, Nowe these
two sons are after a sorte
brazhers, or as they are
termed halfe brothers, or
brother of the halfe bloud,
that is to saie, brother by
the fathers side, because
they had both one father
and are both of his bloud,
and not brothers at all by
the mothers side, nor of
bloud ne kin that way, and
therefore the one of them
cannot be heire to other,
for he that will clayme as
heire to one by descent must
bec of whole bloud to him
from whome he claymeth,
In the same maner it is
if a womā haue diuers is-
sues by diuers husbands,
who are called brothers
by one mother.

153 Demurrer.

Demurrer, is when anie action is brought & the defendant pleaderth a pleé, to which the plaintife answereth, that he will not answer, for that it is not a sufficient pleé in y^e law, & the defendant saith to the contrary, that it is a sufficient pleé, and thereupon both parties do submit the cause to the iudgement of the court, then that is called a Demurrer, for that they goe no forwarde in pleading, but abide vpon the iudgment of that point and is said in the latin used in the Records, Moratur in lege.

154 Denizen.

Denizen, is where an alien borne becommeth the kings subiect, and obtaineth the kings letters Patentés for to enjoy all priuiledges as an english man, but if one bee made Denizen hee shall pay customs and diuers other things as aliens, as it appeareth by diuers statutes thereof made.

Demurrer.

Demurrer est quant aucun action est port, & le defendant plede vn pleé a que le plaintife dit que il ne voile responder pur ceo que il nest sufficient pleé en le ley & le defendant dit al contraire que il est sufficient pleé, & sur ceo ambideux misterront le cause al iudgement del Court, donques ceo est appelle vn demurrer, pur ceo que ils ne vaont oustre in pleading, mes demurrer sur le iudgment de cell point, & dicitur en latine vse en les Records, Moratur in lege.

Denizen.

Denizen, est lou alien nee deuient le subiect le Roy & obtiene le letters patents le roy pur enjoye toutes priuiledges, come vn hōe Anglois, mes si vn soit fait Denizen il paiera customs & diuers autres choses come alien, come appiert per diuers Statutes de ceo faits.

155 Deodande.

DEodande, est quant aucun home per misfortune est occide per vn chival ou per charret ou per autre chose que mouer en aydaunt de mort, donques cel chose que est le cause de son mort, que al reimpes de la misfortune moua, sera forfait al Roy & ceo est appel Deodande, & ceo perteine al Almer de Roy p disposer in almes & actes de charitie.

156 Departure de son plee ou matter.

DEparture de son plee ou matter, est lou vn hoe plede vn plee en barre & le plaintife replie a ceo, & fil aps en son reioinder plede ou monstre autre matter contraire ou nient pursuant a son primer plea en barre, ceo est appel vn depart de son barre &c.

157 Departure in dispite del Court.

DEparture in dispite del Court, est quant le te-

Deodande.

DEodande, is when any man by misfortune is slaine by a horse or by a cart, or by any other thing & mooveth to further the death, then the thing that is cause of his death, and which at the time of his misfortune did move, shalbe forfait to the king, and that is called Deodande, and that perteineth to the kings Almer for to dispose in almes and deedes of charitie.

Departure from a plee or matter.

DEparture from his plee or matter, is where a man pledeth a plee in barre, and the plaintife replieth thereto, and he after in his reioinder, pledeth or sheweth another matter, contrary or not pursuing to his first plee, & is called a Departure from his barre &c.

Departure in dispite of the Court.

DEparture in dispite of the court, is when & tenant

Nant oz defendant appeareth to the action brought against him, & hath a day ouer in the same Terme, oz is called after, though he had no day giuen him, so that it be in the same terme if he doe not appeare but make default, it is a Departure in despite of the Court, and therefore he shalbe condempned.

158 Deputie.

DEputie is he that occupieth in an other mans right, whether it be office oz any other thing els, and his forfaiture oz misdemeanor shall cause the officer oz him whose deputie he is to lose his office oz thing. But a man cannot make his deputie in all cases, except the graunt so be: as if it be with these oz such like wordes, to exercise oz vse by himselfe oz his sufficient deputie, oz if the wordes go further, to himselfe oz his deputie, oz the deputie of his deputie, then he may make a deputie, and his deputie also may make a deputie, oz els not.

nant ou defendant appeare al action port enuers luy, & ad iour ouster en mesme le terme, ou est demaunde apres, coment nul iour soit a luy done, assint que soit en mesme le terme, sil ne appeare mes fait default, cest vn Departure en despite del Court, & pur ceo il terra condempne.

Deputie.

DEputie est celuy que occupia en auter droit, soit ceo office ou ascun auter chose, & son forfaiture ou misdemeanor causera l'officer ou celuy que deputie il est de perdre son office ou chose. Mes vn ne poit faire son deputie en tous cases, nisi le graunt soit issint: sicome il soit oue ceux ou tiels semblables parolx, exercendo per se, vel sufficientem deputatum suum, ou si les parolx va ouster, per se vel deputatum suum, aut deputat deputati, donques il poit fair vn deputie, & son deputie auxy poit faire vn deputie, autrement nemy.

159 Det

The Exposition of

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Det.

DEt est vn brieve, & gift
lou ascun somme dar-
gent est due a vn per rea-
son dacompt, bargaine,
cōtract, obligation, ou au-
ter especialtie, a estre paie a
ascun certain iour, a quel
iour il ne paie pas, don-
ques il auera cest brieve.
Mes si ascun somme de
argent soit due a ascun
Seignior per son tenā, pur
ascun rent seruice, le seig-
nior ne vnques auera acti-
on de det pur ceo, mes il
couent tous foits distrain
pur ceo. Auxy pur rent
charge ou rent seck, quel
home ad pur terme de son
vie, en taile, ou en fee, il
nauera actiō de det ci
longe come le tēt endure,
mes les executors poient
auer vn actiō de det pur
les arrerages de ascun des
dits rents due en le vie lour
testator, per lestatute 31.
H 8 cap. 37.

Mes pur les arrerages de
rent reservee sur vn lease
pur terme de ans, le lessor
est a son electiō de auer
actiō de det, ou pur di-
strainer: Mes si le less soit

Debt.

DEbt is a writ, and it
lieth where any summe
of money is due to a man
by reason of accompt, bar-
gaine, contract, obligati-
on, or other especialtie, to
be paid at a certain day,
at which day he payeth
not, then he shal haue this
writ. But if any summe
of money bee due to any
Lord by his tenaunt for
any rent seruice, the Lord
shall neuer haue actiō of
debt for that, but it beho-
ueth him alway to distrain
for it. Also for rent charge
or rent seck, which any
man hath for life, in taile,
or in fee, he shall not haue
any actiō of debt as long
as the rent continueth,
but his executours may
haue an actiō of debt for
the arrerages of any of
the said rents due in the
life of their testator, by
the statute 31. H. 8. cap.
37.

But for the arrerages of
rent reserved vpon a lease
for terme of yeres, the les-
sor is at his electiō to haue
an actiō of debt, or for to
distrain: But if the less be
deter-

determined, then he shall not distraine after for that rent: But he must haue an action of debt for the arrearages.

And note, that by the law of the Realme, debt is onely taken to arise vpon some contract or penaltie imposed by some statute or pain, and not by other offences: as in the Ciuill law, *Debitum ex delicto*.

160 *Deuastauerunt bona testatoris.*

DEuastauerunt bona testatoris is when the ex-ecutors will deliuer the legacies that their testator hath giuen, or make restitution for wrongs done by him, or pay his debts due vpon contracts, or other debts vpon specialties, whose daies of paymēt are not yet come &c. And keepe not sufficiēt in their hands to discharge those debts vpon records or specialties, that they are cōpelable for-merly by the law to satisfy, thē they shalbe cōstrained to pay of their own goods those duties, which at the first by the law they were cō-pelled to pay, according to

determine, donques il ne distreindra apres pur cel rent: Mes couient luy da-uer vn action de det pur les arrearages.

Et nota, que per le ley del Realme, det est solement prise de surder sur ascū cō-tract ou penaltie imposee p ascun statute ou paine, & nemy per aurer offenses: come en le Ciuill ley, *De-bitum ex delicto*.

Deuastauerunt bona testatoris.

DEuastauerunt bona te-statoris est quant les ex-ecutors voile deliuer les legacies que leur testator ad done, ou faire restitu-tion pur torts faits per luy, ou paie ses dets due sur cō-tracts, ou aurer dets due sur specialties, q iours de pay-ment ne sont vncore venus &c. Et ne gard sufficiēt en leur mains pur dischar-ger ceux dets sur records ou specialties, q ils sōt cō-pellabl' pmerit p le ley de satisfier, donqs ils seront constrain de payer de leur bñs demesñ ceux duties, le-quel al pmes p le ley ils fuer cōpelles de paier, accordāt

The Exposition of

al value de ceo que ils deliueront ou pay sans compulsion, car tiels payments de dets, ou deliuerie de legacies, come est auant dit, deuant dets payes sur specialties ou records, quel jours de payment sont a ore venus, sont accompt en le ley vn vastant des biens del testator, ci taunt come si ils ad done eux sans cause, ou vend eux & conuert eux a leur proper vse.

161 Deuise.

Deuise est lou vn home en son testament, done ou graunt les biens ou ses terres a vn auter apres son decease. Et lou tiel deuise est fait des biens, si les executors ne voient deliuer les biens ou auters chattels personals a le deuisee, le deuisee nad remedie per le common ley: Mes il conuient de auer vn Citation vers les executors le testator dappearer deuant le Ordinarie, de monstre pur quoy il ne perfourma le volunt le Testator, car le deuisee ne poit

the value of that which they deliuered or paid by compulsion, for such payments of debts, or deliuerie of legacies, as is aforesaid, before debts paid upon specialties or records, whose dates of payment are already come, are accompted in the law a vasting of the goods of the testator, asmuch as if they had giuen them away without cause, or sold the & conuerted them to their owne vse.

Deuise.

Deuise is where a man in his testament, giueth or bequeatheth his goods or his lands to an other after his decease. And where such deuise is made of goods, if the executors will not deliuer the goods or chattels personals to the deuisee, the deuisee hath no remedie by the common law: But it behoueth him to haue a Citation against the executors of the testator to appear before the Ordinarie, to shew why he performeth not the wil of the testator, for the deuisee may not take

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take the legacie and serue himselfe, but it must be deliuered to him by the executors.

But by the comon law if a man bee sole seised of landes in his demesne as of fee, & deuise the lands by testament, this deuise was void, vnles the lands were in a citie or borough where lands be deuisable by custom. But if any man were enfeofed to the vse of another & his heires, & he to whose vse he was so seised did make deuise of his lāds, this deuise was good, though it be not in a Towne where lands are deuisable.

Also if any man deuise lands in City, Towne, or Borough deuisable, and the deuisor dieth, if his heire or any other abate in the landes, then the deuisee shall haue a writte of Ex graui quærela: But this writte shall neuer be pleaded before the Kinges Justice, but alwaies before the Mayor or Bailiffs in the same towne.

And here to the ende to shew how much & lāws of

prendre le legacy & luy en seruer, mes il doit estre deliuer a luy per les executors.

Mes per le comon ley, si home fuit sole seisi de terres en son demesne come de fee, & deuise les terres per son testamēt, cest deuise fuit void, sinon si les terres fueront en vn Citie ou Borough lou terres sont deuisable p custome. Mes si alcu home fuissint enfeofe al vse dun autre & ses heires, & cesty a que vse il fuit issint le sie fesoit deuise de les terres, cest deuise fuit bone, coment que il ne fuit en ville lou terres sont deuisable.

Auxy si ascun home deuise fies en citie, ville ou borough deuisable, & le deuisor deuie, si son heire ou alcu autre abate en les terres, donques le deuisee aua bñ de Ex graui quærela: Mes cest bñ ne sera iammes plede deuant le Justice le Roy, mes toutes foirs deuant le Mayor ou Bailifes in le dit ville.

Et ore al fine de monstre quaut les leys de cest

The Exposition of

cest Realme, & les discret
Iudges de ceo, queux
sont les interpreters de le
ley, ont fauour voluntés
& testaments, & assint
deuises en yelding al eux
quel reasonable constructi-
on, come ils pensant poit
bien agreer oue les men-
tes de les morts, conside-
rantes que volūts & testa-
ments sont pur le plus part,
& per common intendū
fait quant le testator est
ore en grand langor,
fecble & passa tout spe-
rans de recouerie, car
il est vn opinion en le
pais enter le greinder nū-
ber, que si vn home per
chaunce loit cy prudent
come de faire son volunt
en son bon sentier, quāt il
est strong, de bon memory,
& ad temps & opportuni-
tie, & poit demand coun-
sell si aucun doubt soit de
le learned, que donques il
ne doit viuer long apres, &
pur ceo ils ceo deferre tā-
q̄ quel tēps qūt ceo soit plus
conuenient de applier eux
mesmes a le dispositiō de
leur almes, q̄ de leur ches
& biens, sinō q̄ il soit que p

this Realme, and the
wise discrete Judges of
the same, who are the in-
terpreters of the law, doe
fauor willes & testaments,
and so deuises in yelding
to them such a reasonable
cōstruction, as they think
might best agree with the
minde of the dead, consi-
dering that willes and te-
staments are for the most
parte, and by common in-
tendement made when
the testator is nowe very
sicke, weake, and paste
all hope of recouerie, for
it is a receiued opinion
in the Countrey among
moste, that if a man should
chaunce to bee so wise
as to make his will in his
good health, when hee is
strong, of good memory, &
hath time and leasure, and
might aske counsell if any
doubt were of the learned
that then hee shoulde not
liue long after, and there-
fore they deferre it, to such
time, whē as it were moze
conuenient to apply them-
selues to the dispositions
of their soules, then of
their lands or goods ex-
cept it were that by the
fresh

fresh memorie, and recitall of them at that time. It might bee a cause to put them in minde of some of their goods or Landes falsely gotten, & so moue them to restitution &c. And at that time the penning of such willes are commonly committed to the minister of the parish, or to some other more ignorant then he who knoweth not what words are necessarie to make an estate in fee simple, fee tail, for terme of life, or such like, besides many other mischiefs: I will therefore heer set downe some of those cases, that are most common in ignorant mens mouthes, and do carrie by the wise interpretations of the Judges, as is afore said, a larger and a more fauourable sence in willes then in deedes.

First therefore if one devise to J. S. by his will al his lands & tenements, here not onely al those lāds that he hath in possession do passe, but also those that he hath the reuerſion of by vertue of these words tes-

fresh memory, & recitall de eux a cest temps, il poit estre vn cause de mītr eux en ment de ascun de lour biens ou terres fausement purchase & issint moue eux al restitution &c. Et a cest temps le escripture de tiels volūts sont communement cōmit al minister del paroch ou al ascun aut plus ignorant que luy, que ne scauoit queux parols sōt necessaie pur faire vn estate en fee simple, fee tail, pur terme de vie, ou tiels semblables, preter diuers aut mischies: Ieo voyle pur ceo m's cy ascuns de ceux cases queux sont plus common en les bouches de les ignorant homes, & portont per le scauient interpretations de les Judges, come est auantdit, vn large & plus fauorable sēce en Volants que en faits.

Et pur ceo primerment si vn deuite al I. S. per son volunt, tous les terres & tenements, icy non soleint tous ceux t'res q il ad en possession par tōt, mes auxi ceux de q il ad le reūſion, par vertu de ceux parolx tenements:

The Exposition of

nements.

Et si terres sont deuise a vn home a auer a luy in perpetuum, ou a auer a luy & a ses assignes, n ceux deux cases le deuisee auera fee simple, Mes si soit done p feoffement en uel maner, il nad for que estate pur terme de vie.

Auxy si vn home deuise ses terres al auter, pur donner, vender, ou faire de ceo a son volunt & pleasure, cest fee simple.

Vn deuise fait al vn & a ses heires males fait vn estate taile: mes si tiels parolx sont mis en vn fait de feoffement, il serra prise fee simple, por ceo que il nappiert de que corps les heires males serra ingēdre.

Si terres soit done per fait al I. S. & a les heires males de son corps &c que ad issue file, que ad issue fites, & morust, la le terre reuertera al donour, & le fies d. l file nauera ceo, pur ceo que il ne poit a luy mesme conueier per heires males, car la mere est vn obstacle a ceo: Mes

nements.

And if lands be deuised to a man to haue to him for ever, or to haue to him and his assignes, in these two cases the deuise shall haue a fee simple. But if it be given by feoffement in such manner, he hath but an estate for terme of life.

Also if a man deuise his lands to an other, to giue, sell, or do therewith at his pleasure or will, this is fee simple.

A deuise made to one and to his heires males doth make an estate taile: But if such wordes be put in a deed of feoffement it shal be taken a fee simple, because it doth not appear of what body the heires males shal be begotten.

If lands be giuen by deed to J. S. and to the heires males of his body &c. who hath issue a daughter, who hath issue a son, and dieth, there the land shal returne to the donour, & the sonne of the daughter shal not haue it, because he cannot conuey himselfe by heires males, for his mother is a let thereto, but others

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otherwise it is of such a devise, for there y sonne of y daughter shal have it rather then the will shalbe void.

If one devise to an infant in his mothers belly, it is a good devise, otherwise it is by feoffement, graunt, or gift, for in those cases ther ought to be one of ability to take presently or otherwise it is void.

A devise made in fee simple wout expres words of heires, is good in fee simple.

But if a devise be made to J. M. he shal have the land but for terme of life, for those words will carie no greater estate.

If one wil y his son J. shal have his land, after the death of his wife, here the wife of y devisor shal have the land first for terme of life. So likewise if a man devise his goods to his wife, & that after the decease of his wife, his son & heire shal have the house, where the goods are, there the son shal not have the house during the life of y wife, for it doth appeare y his intēt was, y his wife

auterint est de tiel devise, car la le fites del file ceo auera plustost que le volunt serra void.

Si vn devise al enfant in ventre matris sua, cest bone devise, auterint est p feoffement, graunt, ou done, car ē ceux cases il doit estre vn del habilitie pur prendre maintenāt, autrement il est void.

Vn devis fait ē fee simple sans expresse parols del heires est bone en fee simple.

Mes si vn devise soit al I. N. il auera les terres forsq; pur terme de vie, car ceux parols ne voilēt porter greindier estate.

Si vn voile que son firs I. auera son terre puis le mort son feme, icy le feme le devisor aūa le terre primes pur terme de sa vie. Iisint si home devise ses biens a sa feme, & que apres le decease de son fée, son firs & heire auera le meason ou les biens sont, la le firs nauera le meason durant le vie de le feme, car il appiert que son intent fuit, que sa feme

I j.

doit

The Exposition of

doit auer le mealon auxy
pur terme de la vie, nient
obstant il ne fuit deuise a
luy per expresse parols.

Si vn deuise soit al I.
N. & a les heires females
de son corps engendres,
apres le deuisee ad issue
fites & file, & morust, icy
le file auera le terre, &
nemy le fits, & vncore il
est plus digne person, &
heire al son peire, mes pur
ceo que volunt del mort
est, que le file doit ceo a-
uer, ley & conscience voet
issint auxy.

Et en cest point les hea-
then fueront precise, come
appiert per ceux verses de
Octavius Augustus que
Donatus report il fesoit a-
pres q Virgil a son morte
donoit commandement, que
ses liuers doient estre co-
bure, par ceo que ils fue-
ront imperfect, & vncore
ascuns persuadont que ils
doient estre saue, come en
fait ils happiment fueront
a que il respond issint: Sed
legum seruanda fides, su-
prema voluntas, Quod ma-
dat, fierique iubet, parere
necesse est.

should haue the house also
for terme of her life notwithstanding it were not deuised
to her by expresse words.

If a deuise be to J. N.
and to the heires females
of his bodie begotten, af-
ter the deuisee hath issue a
sonne & daughter, and di-
eth, here the daughter shal
haue the land & not the son,
& yet he is the most wor-
thy person, & heire to his
father, but because the will
of the dead is, the daugh-
ter should haue it, law and
conscience wil so also.

And herein the veris
heathens were precise as
appeareth by those ver-
ses of Octavius Augustus,
which Donatus reporteth
hee made after the Virgil at
his death, gaue commande-
ment, that his booke should
be burnt, because they
were imperfect, and yet
some perswaded that they
should be saved, as indeed
they happily were, to whom
hee answered thus: but
faith a lawe must needs
be kept, and what lawe wil
doth say: And what it doth
commaund be done, that
needs we must obey.

162 Diem clausit extremum.

Diem clausit extremum, is a writ, & it lieth where the Kinges tenaunt, that holdeth in chief, dieth, this writte shall bee directed to the eschetoꝝ to enquire of what estate he was seised, and who is next heire, and his age and of the certaintie of the land, and of what value the land is, & of whom it is holden, and that inquisition shalbe returned into the Chancerie, which is comonly called: The office after the death of that person. And there is another writte of Diem clausit extremum awarded out of the Exchequer after the death of an accomptant or debtoꝝ of her Maiestie, to leue the debt of his heire, executoꝝ, administrators, landes or goods.

163 Discent.

Discent, is in 2 sortes, either lineal or collateral. Lineal discent is when a discent is conueied in the same line of y^e whole blood, as graundfather, father,

Diem clausit extremum.

Diem clausit extremum, est vn bre, & gist lou le tenant le Roy, que uent en chief morust, donq; ce bre sera direct al eschetour denquer de quel estate il fu t seisi, & que est prochaine heire, & de ql age & de la certainty idel tre, & de quel value le terre est, & de que ceo est ten^r, & cel inquisition sera retorne en le Chancerie & est communement appel, le office apres le mort del tiel person. Et est autre briefe de Diem clausit extremum awarde hors del Exch. quer apres mort del vn accomptant ou debtoꝝ al Roigne a leuier le debt de son heire executor administrators terres ou biens.

Discent.

Discent, est en 2. sortes, ou lineal, ou collateral. Lineal discent est quant le discent est conuey en mesme le lyne dentier sangue, come aile, pere, & ij, figg,

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fits, fits del fits & issint debassa.

Collateral discent est dehors en vn autre branch dehaust dentier sangue come le frere del ayle, frere del peere, & issint debassa.

Nota que si vn denie seisie en fee, ou en tayle de terre en quel autre ad droit denter, & ceo discent a son heire, tiel discent tollera lentre de cestuy que droit auoit denter, pur ceo que le heire ad ceux per le discent de son pere, & isint vient a les tenemens per acte del ley, & cestuy que droit ad ne puit luy ouster per entre sur luy, mes est mise de fuer son briefe a demaund le terre solonque le nature de son title. Vide de ceo Littleton, liuer. 3. cap. 6. & Statut. 32. Henr. 8. cap 33.

164 Disclaimer.

Disclaymer, est lou le seignior distraine son renaunt, & il sua repleuin, & le Seignior auowa le prisel, per reason

sonne, sonnes sonne, and so downward.

Collateral discēt, is out in another branch drawē from aboue of the whole blood, as graundfathers brother, fathers brother, & so downeward.

Note that if one die seised in fee, or in tail of land in which another hath right to enter, & that discenteth to his heire, such discent shal take away the entrie of him which hath right to enter, for that the heire hath them by discent from his father, & so came vnto these tenements by the doyng of the lawe, and he that hath right can not put him out by entering vpon him, but is put to sue his writ to demand the land according to the nature of the title. See hercof in Littleton, lib. 3. cap. 6. and statute, 32. H. 8. cap. 33.

Disclaimer.

Disclaimer, is where the Lord distraineth his tenant, and he sueth a repleuin, & the Lord auoweth the taking by reason that

that he holdeth of him, if the tenant say that he disclaimeth to holde of him, this is called a disclaimer, and if the Lord thereupon bring a writte of right sur disclaymer, and it be found against the tenant he shall lose his land. Also if one bringeth a preceipe against two other for the land, and the tenant disclaimeth and saith, that he is not therof tenaunt, neither claymeth any thing therein, the other shal haue the whole land. But if the preceipe be brought against one alone, & hee disclaimeth as is aforesaid, the writ shall abate, and yet the Demaundant may enter into the land and hold it in his rightful estate, although his entrie was not lawfull.

165 Discontinuance.

Discontinuance, is when a man alienateth to another, lands or tenements and dieth, & another hath right to the same landes, & may not enter into them because of this alienation, as if an Abbot alien the landes of his house to an other

que il tient de luy, si le tenaunt dit que il disclame de tener de luy, cest appel vn disclaimer, & si le seignor sur ceo porte briefe de droit sur disclaimer, & il soit trouue encounter le tenant, il perdra le terre. Auxy si vn port vn preceipe vers deux autres pur terre, & le tenant disclame & dit, que il nest de ceo tenaunt, ne claime rien en ceo, donques lautre auera tout le terre. Mes si le preceipe soit enuers vn seul, & il disclame, come auant est dit, le briefe abaterra, & vncore le demaundant poit enter en le terre, & ceo tener en son droiturel estate coment son entrie ne fuist loyall.

Discontinuance.

Discontinuance, est quant vn home alien a vn autre terres ou tenementes & morust, & vn autre adroit a mesme les terres & ne puit enter en eux par cause de cel alienation, si come vn Abbot alien les terres de son meason a vn

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auter en fee, ou en fee tail, ou pur terme de vie, ou si vn home alien les terres q il ad en droit safein, ou si tenant en taile fait de les terres done a luy & a ses heirs de son corps, aucun fessément done en taile ou lease pur vie nient garrant per statute 32 H. 8. per fine ou liuery de seisin, donq: tiels alienatiōs sont appels discontinuance, car tiels estates passent routes foits per liuery & seisin, & en ceux cases le iuccessour labbe, ne la feme apres le mort son baron, ne lissue en le taile apres le mort le tenaunt en le taile ne ceux in remainder ou reuerfion puis le fine del estate taile, ne poient enter mes chescun de eux est mise a son action. Vide plus de ceo en Litt. lib. 3. cap. 11. & 32. H. 8. ca. 28. que toll les discontinuances per baron seisi en droit son feme.

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Disres.

Disres, sont les disres parts de asc' chose, mes proprement de ceux choses

other in fee, or fee taile, or for terme of life, or if a mā alien the landes that hee hath in the right of his wife, or if tenaunt in the taile maketh of the landes ginen to him & to the heirs of his body, any fessément gift in taile or lease for life not warranted by the statute 32. H. 8. by fine or liuery of seisin, then such alienations bee called Discontinuance, for such estates passe alway by liuery and seisin, & in these cases the successour of the Abbot or woman after the death of her husband or the issue in the taile after the death of the tenant in taile, nor they that haue any remainder or reuerfion after the end of the estate taile, may not enter, but euery of the is put to his action. See more hercof in Litt. lib. 3. cap. 11. and 32. H. 8. cap. 8. which taketh away discontinuances by husband, seised in right of his wife.

Tithes.

Tithes, are the tenth parts of any thing, but properly of those things which

which doe increase, which for the most part do belong to ministers of the church for their maintenance, and they be in three sorts deuidd, to wit prediall tithes, personall tithes, & Mixte tithes, Predial tithes are Tithes that bee paid of thinges that come of the ground only, as corn, hay, fruits of Trees and such like.

Personall Tithes are Tithes to be paid of such profits as come by the labor and industrie of mans person, as by buying, selling, gaines of Marchandise, and of handicraftes men, labourers and such as worke for hire, as carpenters, masons and such like.

Mixt tithes are tithes of calves, lambs, pigs, and such like, & increase partly of the ground that they bee fed vpon and partly of the keeping industrie and diligence of the owner.

167 Disparagement.

Disparagement, is a shame disgrace or villany done by the Gardeine in Chi-

que encrease, qu'il p le plus parte perreign al ministers desgle par leur maintenance & ils sont deuiddes en iiii. sorts, nolement prediall dismes, Parsonel dismes & Mixt dismes, Predial dismes sont dismes, que sont paid de choses, queux vient de le terri tolement, come bles, fein, fruits del arbors & tiels semblables.

Parsonel dismes sont dismes que sont paies de tiels profits q veigne p le labor & industrie del persons du home, come per emption & vendition, gain de marchandize & de manuel craftes homes laborers & tiels que labor pur salary, come carpent, masons & tiels semblables.

Mixt dismes sont les dismes de vitels, agnes, porcel & tiels sembl, q encrease partint del tre, sur q ils sont depastures, & partment del garding, industrie, & diligence del owner.

Disparagement.

Disparagement est vn hôte, disgrace ou villanye fait per le gardein en Chivalrie.

The Exposition of

nalrie a son garde en chivalry, esteant deins age per reason de son mariage.

Come quant le gardein marry son ward deins age de xiiii. ans, & deins tiel temps q il ne poit consent al mariage, al vn niese, ou al file dun que demurt en vn borough (que est destentéd tiels que peres professe mancrafts & tiels baser arts de emption & vendition pur gain leur viuer p ceo) ou al vn q a l forsq; vn pee, ou vn maine ou est decrepit ou deforme, ou aiant horrible disease, cõe le leprosie, les pockes de frankes, falling sicknes, ou tiels semblables, ou marrie luy a vn feme que est passe lage denfanter & diuers tiels auters, donque sur le complaint fait per les amies de tiel heire, le sñr ou gardein perdera le gardship & les profits durant le nonage de le heire pur le hont fait a luy. Vide Litt^e lib. 2. cap. 4.

168 Disseisin.

Disseisin, est quaunt vn hōc ent en ascun terres

nalrie to his ward in chivalry being within age by reason of his marriage.

As when the gardeine doeth marrie his warde within age of xiiij. yeres, & in such time as he cānot consent to marriage, to a bondswomā, or to y^e daughter of one y^e dwelt in a borough (which is to be understood, such whose fathers professe handicrafts & those baser arts of buying and selling, to get their living by) or to one y^e hath but one foote, or one hād, or is lāe or deformed, or hath some horrible disease, as y^e leprosie, frenchpockes, falling sickness or such like, or marieth him to a woman that is past childbearing, & diuers such oīer, then upon the complaint made by the friends of such heir, the Lord or gardeine shall lose the wardship, and the profits during the nonage of the heir for the shame done unto him. See Little^e lib. 2. cap. 4.

Disseisin.

Disseisin, is when a man enters into any landes

or

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69

oz tenements where his
entrie is not lawfull, and
putteth him out, that hath
the freehold,

ou tenements, lou son en-
tre n'est pas congeable, &
ousta celuy que ad le frak-
tenement.

169 Disseisin vpo disseisin.
Disseisin vpon disseisin, is
when the disseisour is
disseised by an other.

Disseisin sur disseisin.
Disseisin sur disseisin, est
quanc le disseisour est
disseisie per vn auter.

170 Disseisor and dis-
seisee.

Disseisor, is hee which
putteth a man out of
his land without order of
the law. And Disseisee is
he that is so put out.

Disseisor & dis-
seisee.
Disseisor, est celuy que
mist ascun home hors
de son terre sans order de
ley. Et disseisee est celuy
que est issint m's hors.

171 Disceit.

Disceit is a writ, and it
is sometime originall,
and sometime iudicial, but
when it is originall, it lieth
where any disceit is done
to a man by an other, so
that he hath not suffici-
ently perfourmed his bar-
gaine, oz not perfourmed
his promise, then he that
is in such maner disceiued
shall haue this writ.

Also when this writ is
iudiciall, it lyeth where a
Scire facias is sued out of
any record against a man,
and the Shirif returneth

Disceit.

Disceit est vn briefe, & est
ascun foits original, &
ascun foits iudicial, mes
quāt il est original, g st lou
ascun disceit est fait a as-
cun home per vn auter, is-
sint q il nad sufficientment
performe son bargain, ou
niet performe son pmise,
donq; celuy q est e tiel ma-
ner disceiue auera cest bre.

Auxy quant cest briefe
est iudicial, il gift ou Sci-
re facias est sue hors de
ascun recorde vers vn,
& le Vicount retourne
que

The Exposition of

que il est garnie, ou il ne
fuit garnie, ou l'ou vn Pre-
cipe quod reddat de plee
de terre, ou Quare impe-
dit del presentment al es-
glise est sue vers vn, & le
vicont retorne que le de-
fendant est summon, l'ou il
ne fuit summon, per quel
disceit & faux retorne le
demandant ou plaintife re-
couer, donques le partie
greeue auera cest breue
vers celuy que recouera, &
vers les summoners, & vers
le vicont, & donques le bre-
ue sera direct al Coroners
de mesme le Counte, si il
continue vicont que fist le
retorne.

172 Distresse.

Distresse, est le chose que
est prise & distraint sur
ascun terre pur rent arre-
re, ou pur autre due, ou pur
rent fait, coment q'le pro-
prie del chose soit per-
teignant al estrange: Mes
si sont auers que perteigne
al estrange, il couient que
ils sont leuant & couchant
sur mesme le terre, cest
adire, que les auers auoient

that he is warned where
he was not warned, or
where a Precept quod red-
dat of a plee of lands, or a
Quare impedit of the pre-
sentment to a church is sued
against one, & the shirif
returneth that the defen-
dant is summoned, where
he was not summoned, by
which disceit and false re-
turne the demandant or
plaintife recouereth, then
the partie greeued shall
haue this writ against him
that recouered, & against
the summoners, & against
the shirif, and then the
writ shall be directed to the
Coroners of the same
County, if he continue the
shirif that made the retorne.

Distresse.

Distresse, is the thing
which is taken and dis-
trained upon any land for
rent behind, or other due,
or for hurt done although
that the propertie of the
thing belongeth to a stra-
nger: But if they be beasts
that belong to a stranger,
it becometh that they were
levant and couchant upon
the same ground, that is
to say, that the beasts haue
ben

Termes of the Law,

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been upon the ground certain space, that they haue them self wel rested there, or els they be not distrainable for rent or seruice.

And if one distraine for rent or other thing without cause lawfull, then the partie grieved shall haue a Repleuin, & upon suertie found to pursue his action, shall haue the distresse to him deliuered again. But there bee diuers thinges which be not distrainable, viz. an other mang gowne in the house of a Tailor, or cloth in the house of a fuller, sheere-man or sweauer, for that they be common artificers, and that the common presumption is, that such thinges belong not to the artificer, but to other persons which put them there to be wrought.

Also vitail is not distrainable, nor corne in sheues, but if they be in a cart, for that that a distresse ought to be alway of such things wherof y shirif may make repleuin, & deliuer againe in as good case as it was at the tyme of the taking.

este sur le terre per certain space, que ils ont eux bien repose sur la terre, ou autrement ils ne sont distrainable pur rent ou seruice.

Et si vn distraine pur rent ou autre chose sans cause loyal, donques le partie greeue auera vn Repleuin, & sur suertie trouue de poursuivre son action, auera le distresse a luy redeliuer. Mes sont diuers choses que ne sont distrainable, viz. roab de autre home en le maison de vn Tailor, ou drape en le maison de vn fuller, sheereman ou weauer, pur ceo que ils sont common artificers, & que le common presumption est, que tiels choses ne sont perteignant al artificer, mes al autres persons que eux mittont la a cueier.

Auxy viand' nest pas distrainable, ne blees en sheues, sinon q ils sont en vn chariot, pur ceo que distres couient este tous fortes de tiel chose dont le vicor poit faire repleuin, & redeliuerie en auxy bon case que il fuit al temps del prisei.

Auxy

The Exposition of

Auxy home poit distraire pur homage de son tenant pur fealtie, & escuage, & auters seruices, & pur fines & amerciaments que sôt assesse en vn Leete, mes nemy en vn Court baron. Et auxy pur damage fessant, cest adire, quāt il troue les beastes ou biens des auters fessant tort ou incumbrant son terre. Mes home ne poit distraire pur aucun rent ou chose due pur aucun terre, mes sur mesme le terre q̄ est charge ouesque ceo: Mes en case lou ieo veigne a distraire, & l'auter veyant mon purpose chase les beastes, ou poit le chose dehors, al entent que ieo ne prēdra ceo pur distres sur le terre, donques ieo poy bien pursue, & si ieo prise ceo maintenant en le hault chemin, ou en auter soyle, le prisel est loyal, auxy bien la come sur la terre charge, a quecunque la propriete des biens sont.

Auxy pur fines & amerciaments q̄ sont assesse en vn Leete, vn poit tous foites prendre les biens celuy que

A man may distrain for homage & fealtie, and escuage, & other seruices, & for fines & amerciaments whych bee assessed in a Leete, but not in a Court baron. And also for damage fessant, that is to say, when hee findeth the beastes or goods of any other doing hurt or cumbring his ground: But a man may not distraine for any rent or thing due for any land, but vpon the same land that is charged therewith: But in case where I come to distraire, and the other seeing my purpose chaseth the beastes or beareth the thing out, to the intent that I shall not take it for a distresse vpon the ground, then I may well pursue, and if I take it presently in the high way, or in anothers ground, the taking is lawfull, as well there as vpon the land charged, to whom soeuer the propriete of the goods be.

Also for fines & amerciaments which be assessed in a Leete, one may alway take the goods of him that

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is so amerced, in whose ground soever they be in the Jurisdiction of the Court as it is said.

And when one hath taken a distres, it behoneth him to bring it to the common pound, or else he may keepe it in an open place, so þ he give notice to the party, that he (if þ distres be a quick beast) may give to it fode, and then if the beast die for default of fode, hee that was distrapned shalbe at the losse, and the other might distraine againe for the same rent or dutie. But if hee carrie the distres to a hold, or out of the Countie, that the shirife may not make deliuerance vpon the repleuin, then the party vpon the retorne of the shirife, shall haue a writte of Withernam directed to the Sherife, that hee take as many of his beasts, or as much goods of the other in his keeping, till he hath made deliuerance of the first distres. And also if they be in a forset or Castell, the shirife may take with him the power of the

est issint amerce, en quecunque soile que ils sont dems le iurisdiction del court vt diciur.

Et quant vn ad prise vn distres, il couient a luy de amener ceo al common pound, ou autrement il poit garder en ouert lieu, il luy faut que il done notice al partie, que il (si le distres soit viue auers) poit donner a luy viand, & donques si le auers morust pur default de viand, ce luy que fuit distrein serra a le pard, & donques l'auter poit distraine autrefoits pur mesme le rent ou duitie. Mes si amena le distres a vn forset, ou hors del countie, que le vicont ne poit bien faire deliuerance sur repleuin, dō q's le partie sur le retorne del vicont auera vn brieve de Withernam direct al Vicont, que il prendra tant de ses auers, ou tant des biens l'auter en son garde, ranque il ad fait deliuerance de la primer distres. Auxy si sōt en vn forset ou castel, le vicont poit prendre oue luy le power del Courtie,

The Exposition of

Countie, & abater le castel.
Come appert per lestatute
West. 1. cap. 17. Ideo vide
Statutum.

173 Diuorce.

Diuorce issint appelle de
Diuortium, veniens del
verbe Diuerto, que signi-
fie de retenir arere, cest est
vse en ley quant vn home
est seperate de sa feme, il
luy retourne arriere a sa
pere ou auter mies, ou al
lieu del que il luy ad, &
per tiel diuorce le mar-
riage est de'cate & di-
stroy.

174 Donor & Donee.

Donor est celuy q done
terres ou tenements al
auter en taile, & celuy a
que il est done est appel
Donee.

175 Doule plee.

Double plee est lou le
defendaunt ou tenant
en ascun action pled vn
plee en que deux matters
sont comprehendus, &
chescun per luy mesme est
vn sufficient barre ou res-
pons al action, donques
tiel double plee ne serra
admit pur plee, sinon q vn

Countie, & beat down the
castel. As it appeareth by
the statute west. 1. cap. 17.
therfore look the Statute.

Diuorce.

Diuorce so called of Di-
uortium, comning of
the verbe Diuerto, which
signifieth to retozne back,
it is vlsed in law when a
man is diuorced from his
wife, he retozneth her back
home to her father oz o-
ther friends, oz to the
place from whence he had
her, and by such diuorce
the marriage is defeated
and vndone.

Donor and Donee.

Donor is he which gi-
ueth lands & tenemets
to an other in taile, and he
to whom the same is gi-
uen is called Donee.

Double plee.

Double plee is where
defendant oz tenant in
any actiō pledeth a pleē, in
the which two matters be
comprehēded, & every one
by himselfe is a sufficient
barre oz answer to the
action, then such a dou-
ble pleē shall not be admit-
ted for a pleē, except one
depend

depend vpon another, & in
such case if hee may not
haue the last plee without
the first plee, then such a
double plee shall bee well
suffered.

depend sur l'autre, & en
tel case si il ne poit auer
le darreine plee sans le
primer plee, donques ti-
el double plee terra bien
suffer.

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Dower.

DOwer, by the law of the
Realme, is a portion,
which a widow hath of the
lands of her husband, which
by the common law is the
third part, and by her hus-
bands assignement by his
fathers assēt at the church
dore, she may haue so much
of his fathers lands, as is
so assigned, and so of the
husbands assignement of
part of his own land. And
Dower by the custome of
some places is to haue
halfe the husbands lands.
And also Dower is a
writ, and it lyeth where
a man is sole seysed du-
ring the couerture be-
twene him and his wife,
of landes or tenements
in fee simple, or fee tayle,
where by possibilitie the
issue betwene them may
inherit, if such a man die,
his wife shall recouer the

Dower.

DOwer, par le ley del
Realme, est portion q^l
feme ad del terres le barō
quel per comen ley est le
tierce part, & per assigne-
ment del baron per assent
son pere al huis del elglis,
et poit auer tant del terre
son pere come est issint as-
signe, & issint del assigne-
ment del baron del part
son terre demesne. Et
Dower per custome de as-
cun lieux est dauer le moi-
tie del terre le baron. Et
auxy Dower est vn briefe,
& q^lst lou home est sole
seysie durant le couerture
perenter luy & sa feme,
de terres ou tenements
en fee simple, ou fee taile,
lou per possibilitie le is-
sue enter eux poyent en-
herite, si tiel home de-
cie, sa feme recouera la
tierce

The Exposition of

third part of al the landes wherof the husband was sole seised anytyme during the couerture by a wytt of Dower vnde nihil habet, though he died not seised, and though that hee made alienation thereof in his life.

But if a man before the statute of Uses 27. H. 8. had landes, in the which another man, or other mē were seised to his vse alwaies during the coner- ture, and hee to whose vse they were seised dieth be- fore the said Statute, his wife shall not be indowed.

And also if before the said Statute two men be seised of lands to the vse of one of them, & he to whose vse &c. dieth before the said statute, his wife shall not be endowd. Also if a woman bring a wytt of dower, she shall recouer da- mages, for y^e profit run af- ter the death of her husband if he dieth thereof seised, but if any alienation or e- state were made during y^e couerture, so that the hus- band died not seised, then though shee shall recouer

tierce part de toutes les terres dont le baron fu- it sole seisi ascū temps du- rant le couerture per brief de Dower vnde nihil ha- bet mesque il ne morust seisie, & mesque il ad fait alienation de ceo en sa vie.

Mes si home deuant le statute de Vies 27. H. 8. ad terres, en queux auter hōe, ou auters homes fue- rōt seisies a son oeps tous foits durant le couerture, & cesty a que oeps ils fue- ront seisies deuie deuaunt le dit statute, la feme ne ferroit endow.

Et auxy si deuant le dit Statute deux homes sont seisies de terre al oeps de vn de eux, & cesty a q^{ue} oeps &c. deuie deuaunt le dit statute, la feme ne serra in- dow. Auxy si feme port b^{rief} de dower, el recoūa dam- mage, pur le profite incur- rus apres la mort le baron sil morust de ceo seisie, Mes si aucun alienation ou estate soit fait durant le couerture, isint que le ba- ron ne morust seisie, don- ques mesque el recouer

Termes of the Law.

73

the land, yet shee shal reco-
uer no damages. Also
there is an other writte of
Dower called a writte of
Right of dower, and it li-
eth where a woman hath
recovered part of hir dow-
er in one towne, and the o-
ther part she is to recouer.
Also in diuers cases a
woman shall not haue do-
wer, as if the husband com-
mit treason for the which
he is attainted, then his
wife shal haue no dower.
Also if she go away from
her husband with an other
man in aduoutry, and if
she be not recociled by her
husband or his owne will
without coercion of the
Church, shee shall not be
indowed. See Littleton
lib. 1. cap. 4. And so note,
were in the Ciuill lawe,
Dower is that which the
husband hath with his
wife for the marriage, to
maintaine the married e-
state, by the lawes of the
Realme, by the worde
(Dower) is meant such
porcion as the wife after
her husbands death shall
haue to liue on.

la terre vñcore el ne reco-
uera damages. Auxy il
est vn autre bñe de dower,
appel briefe de droit de
dower, & gist lou feme
ad recouer parte de la
dower en mesme la ville,
& autre parte el est a re-
couer. Auxy en diuers
cases feme nauera dower,
sicome le baron fait trea-
son, pur que il est attaint,
donque la feme nauera
dower. Auxy si el elopa
de son baron ouesque vn
autre home in auowry,
& si el ne soit reconcile
per son baron de son bone
volunt sans coercion del
Eglise, el ne serra en-
dowe. Vide Littleton lib.
3. capit. 4. Et issint que
lou per Ciuil ley Dower
est ceo, que le baron eyt
que la feme pur le ma-
riage, de maintenir lout
ioyned estate, per les
leyes del Realme, per le
parol (Dower,) est in-
tend, le porcion, que le
feme, puis le mort del
baron, auera pur sa vi-
uer.

K. J.

177 Drow

The Exposition of

877 Droit.

DRoit, est lou vn ad chose que fuit toll de auter per torte, come per disseisin, discotinuanee, ou eiectionment, ou tels semblables, & le chaluege ou claime que il ad, que auoit le chose, est terme droit.

878 Droit dentre.

DRoit dentre, est quant vn seysie de terre in fee, est de ceo disseisi: Ore le disseisee ad droit dentre en le terre, & poet quant il voyle, ou il poet auer brieve de droit enuers le disseisor.

879 Dum non fuit compos mentis.

DUm non fuit compos mentis, est vn brieve & gist lou home que est hors de son bone memory, cest adire, insane ou lunatique, alien les terres que il ad in fee simple, & deuie, donques son heire apres son decease auera cest brieve, mes il mesme n'auera cest brieve, pur ceo, que home ne serra rescue a disabler luy mesme. Auxy cest brieve puit estre fait en le, per, cui, & post.

Right.

Right, is where one hath a thing that was taken from another wrongfully as by disseisin, discontinuance, or putting out or such like, & the challenge or claime þ he hath, who should haue the thing, is called Right.

Right of entrie.

Right of entrie, is when one is seized of land in fee, is thereof disseised: Now the disseisee hath right to enter into the land, & may so doe when he will, or els he may haue a writte of right against the disseisor.

Dum non fuit compos mentis.

DUm non fuit compos mentis, it is a writ & it lieth where a man þ is out of his wits, that is to say, mad or lunatique alieneth the lands that he hath in fee simple, & dieth, then his heire after his decease shall haue this writ, but he himselfe shall not haue this writte, for that that a man shal not be receiued to disable himselfe. Also this writ may be made in the per, cui, and post.

130 Dum

180 *Dum fuit infra
ætatem.*

DUM fuit infra ætatem,
is a *writ*, and it lieth
where an infant within
age alieneth his lande
which he hath in fee sim-
ple or for terme of life.
When he cometh to his full
age he shall have this *writ*
or he may enter if he will,
but it behoueth þ he be of
full age the day of his *writ*
brought. Also if an infant
alien his land, & die, his is-
sue at his full age shal haue
this *writ* or he may enter,
but the issue shal not haue
this *writ* within his age.

181 *Dures.*

DVRES, is where one is
kept in prison or restrai-
ned from his libertie con-
trarie to the order of the
law, or threatened or ma-
nassed to be killed, ma-
med or greatly beaten, & if
such person so in prison or
in feare of such threate-
mings, make any especial-
tie or oblig. by reason of
such imprisonment, such a
deede is void in the law,
and in an action brought
upon such an especialty he
may say þ it was made by

*Dum fuit infra
ætatem.*

DUM fuit infra ætatem,
est vn briefe & gift lou
enfant deins age alien sa
terre que il ad in fee sim-
ple, ou pur terme de vie,
quant il vient a son pleine
age il auera cest briefe,
ou il puit entre sil veult:
mes il couient que il soit
de pleine age, iour de son
briefe purchase. Auxy si
enfant alien sa terre, & de-
uie, son issue a son pleine
age auera cest briefe ou
puit enter, mes l'issue na-
uera cest briefe deins son
age.

Dures.

DVRES, est lou vn home
est garde in prison ou
restraine de son libertie
contrary al order de ley,
ou manasse destre occide
maiheme ou grandement,
batu, & si tiel person issint
in prison ou pauour pur
tiel manasse, fait aucun e-
specialtie ou obligation
per reason de tiel impris-
onment, tiel fait est void
en le ley, & in action
porte sur tiel especialtie
puit dire q il fuit fait per

R ij.

dures

The Exposition of

dures de son imprisonment
mes si home soit arrest
sur aucun action al suite
vn autre mesque le cause
del action ne soit bone ne
voir, fil fait aucun obliga-
tion a vn estrange estant
in prison per tiel arrest,
vntore il ne serra dit per
dures, mes fil fait obli-
gation a luy a que suit il
fuit arrest deste discharge
de tiel imprisonment, don-
ques il serra dit dures vt
dicitur.

E.

182 Eiectione firme.

Electione firme, vide de
ceo en le title, Quare e-
iecit infra terminum.

183 Eiectment de garde.

Eiectment de garde, vi-
de de ceo en le title
Gardes.

184 Eire Iustices.

Eire Iustices, ou Itine-
rant, come nous appelle
eux fueront Iustices que
vse de equitare de lieu al
lieu per tout le Realme
pur administer Iustice.

185 Elegit.

Tener per Elegit, est
lou home ad reco-

dures of imprisonment,
but if a mā be arrested by
on an action at the suite of
another though the cause
of the action be not good
nor true, if he make an ob-
ligation to a stranger be-
ing in prison by such ar-
rest, yet it shall not be said
by dures, but if he make
an obligation to him at
whose suite he was arre-
sted to be discharged of
such imprisonment, the it
shall be said dures, as it is
said.

E.

Electione firme, loke for
that in the title Quare
eiecit infra terminum.

Eiectment de garde.

Eiectment de garde, loke
for that in the Title of
Gardes.

Eire Iustices.

Eire Iustices, or Itine-
rant, as we call them,
were Iustices that vse to
ryde from place to place
thzough out the realme to
administer Iustice.

Elegit.

To holde by Elegit, is
where a mā hath reco-
uered

uered debt or damage by a writte against another by confession or in other maner, he shall haue within the yeare against him a writ iudiciall called **Elegit** to haue execution of the halfe of all his landes and chattels (except oxen & beastes of the plov) till the debt & dammages be wholly leuied and paid to him, and during the term he is tenant by **Elegit**, And note well that if he be put out within the terme he shall haue Assise of Nouel disseisin, and after a redisseisin if neede bee, and this is giuen by the Statute of Westminster second Cha. 18.

And also by the equitie of the same statute he that hath his estate if he be put out shall haue Assise & redisseisin if neede be. And also if he mak his executors and die, and his executors enter and after be put out, they shal haue by the equity of the same statute, such action as he himself befoze said. But if he be put out, and after make his executors & die, his executors

uer det ou damage p brief deuers vn auter per Conu-
saunce ou en auter maner,
il auera deins le an de-
uers luy vn briefe iudicial
nosme **Elegit** dauer exe-
cution del moitie de tous
ses terres & chattels (ex-
cepts beofes & affers a la
carues) tanque le dett ou
les dammages soient ou-
stremment leues ou paies a
luy, & durant cest terme
il est tenaunt per **Elegit**.
Et nota fil soit ouste de-
ins le terme il auera Assise
de Nouel disseisin, & a-
pres vn redisseisin si be-
soigne soit, & cest done
per le estatute de Westm.
2. cap. 18.

Et auxy per lequie de
mesme lestatute celuy que
ad son estate, fil soit ouste
auera assise & redisseisin
si besoigne soit. Et au-
xi fil face ses executors
& deuy, & ses executors
entrent & puis soient ou-
stes, ils aueront per le-
quity de mesme lestatute
tel action come luy mes-
me suirdit. Mes fil soit
ouste, & puis fait ses execu-
tors & deuy, ses executors

K iii.

pur-

The Exposition of

purront enter & fils soy-
ent estops de leur entre,
ils aueront vn briefe de
trespas sur leur matter &
case.

Et nota sil face wast en
tout la terre ou en par-
cel, l'auter auera enuers
luy maintenant vn briefe
iudiciall hors de la pri-
mer recorde appelle Ve-
nire facias ad computan-
dum, per force de quel
serra inquire sil ad leuy
touts les deniers ou par-
cel, & sil nad leuy les de-
niers, donques sera in-
quire a quaut le wast a-
mount, & si le wast a-
mount sinon a parcel don-
ques rants des deniers que
le waste amount sera a-
bridge de les suisdits de-
niers queux fueront estre
leues. Mes sil ad fait
pluis wast que le auant-
dit somme d'argent que
fuit a estre leuy amount,
l'aut sera discharge main-
tenant de toutes les deni-
ers suisdits & recouera la
terre. Et pur la super-
fluite de waste fait ou-
stre ceo que amount a le
dit somme, il recouera ses

may enter, and if they be
stoped of their entry, they
shall haue a writ of tres-
passe vppon their matter
and case.

And note well if he doe
wast in al the land or par-
cell, the other shall haue a
writ against him immediately a
writ iudicial out of þ first
recorde called Venire facias
ad Cēputandum, by which
it shall be inquired if hee
haue leuied all the mo-
ney or parcell, and if hee
haue not leuied the mony,
then it shall be inquired to
howe much the waste a-
mounteth, and if the wast
amount but to parcell, then
as much of the money as
the wast amounteth unto,
shal be abridged of the fore-
said money which was to
be leuied. But if he haue
done more waste then the
foresaid summe of money
which was to be leuied,
amounteth, the other shal-
be discharged by and by of
all the said mony and shal
reouer the lande. And
for the superfluity of the
waste made aboue that,
that amounteth to the said
summe he shal reouer his
daine

damages single, and the same law is of his executors, and also of him that hath his estate.

And note þ if he alien in fee, for terme of life or in taile al or parcel of the lād which he holdeth by Elegit, if the alienation be made, within the terme or after, he which hath right, shall haue against him an Assise of Nouel disseisin, And they both must be put in the Assise, the alienor and the alienee, and notwithstanding that the alienor die presently, yet he which hath right, shall haue Assise against the alienee alone, as if the alienee had bin a plain tenant for term of yeres, and that is by the equitie of the statute of West. 2. Chap. 25. for that that hee hath not but a chattell in effect, and the same law is of his executors and of him which hath his estate as is alsoe said.

And note wel that in Elegit if þ sherife returne þ hee had nothing the day of the Recognisaunce made but þ he purchased lands

damages single: & mesme le ley est de ses executors, & auxy de cestuy que ad son estate.

Et nota sil alien en fee, ou a terme de vie, ou en ta le tout le terre ou parcell de la terre, que il tient per elegit, si le alienation soit fait deins le terme ou apres, cestuy que ad droit auera vers luy vn Assise de Nouel disseisin. et conient que ils soient mise en l'assise ambideux, auxibien le alienee come le alienor, & non obstant que l'alienor deuie maintenant, vncore cestuy que ad droit auera vers le alienee sole Assise, come sil vst estre son simple tenant a terme de ans. Et ceo est per lequity del statute de West. 2. cap 25. pur ceo que il nad sinon chattel en effect: & mesme le ley est de ses executors, & de cestuy que ad son estate, come est iuridit.

Et nota que en Elegit si le vicont returne que il auoyt riens iour de la Recognisaunce fait, mesque il purchase terre
K iiii. puis

The Exposition of

puis le temps, adonques le partie plaintife auera pouel brief de auer execution de ceo: mesme le ley est de vn estatute marchant. Et nota que apres le Fieri facias vn home poyt auer le Elegit, mes non eontra, entaunt que le Elegit est de plus haut nature que le Fieri facias, Et nota que si home recouer per brieve de det & sue vn Fieri facias, & le vicount returne que le defendaunt nad ryens dont il poit faire gree a la partie, donques le plaintife auera vn Elegit, ou vn Capias sicut alias, & Pluries. Et si vicount returne a le Capias mitto vobis corpus, & il nad ryens dont il poit faire gree a la partie il terra maunde al gayle del Fleete, & illonques demurra tanque il ad fait gree al partie, & si le vicount returne Non est inuentus, adonques isera Lexigent enuers luy. Et nota que en brieve de dett port deuers person de Saint Esglise, que nad

after the time then the partie plaintife shal haue a new writ to haue execution thereof, the same law is of a statute marchant. And note well that after a fieri facias a mā may haue the Elegit, but not contrariwise, for that the Elegit is of moze higher nature then the Fieri facias, And note well that if a man recouer by a writte of debt & sueth a fieri facias, and the shirife returne that the defendāt hath nothing wher of he may satisfie the debt to y party, then the plaintife shal haue Elegit or capias sicut alias and a Pluries, And if the shirife returne to the Capias mitto vobis corp^s, & he haue nothing wherof he may make satisfaction to the party he shalbe sent to the prison of the fleete, and there shal abide until he haue made agreement with the partie, and if the shirife returne Non est inuentus, thē there shal go forth an Exigent against him. And note well y in a writ of debt brought against a Parson of holy Church which hath nothing

Termes of the Law.

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thing of lay fee, and the Shurife returneth that he hath nought by which he may be summoned, then shall the plaintife sue a writ to the Bishop that hee make his Clerke to come, and the Bishop shall make him to come by sequestration of the church.

And note well, that if a man bring a writ of debt and recover, and make his executors & dieth, they shall not haue execution, notwithstanding that it bee within the pere by a Fieri facias.

rien de lay fee, & le Vicont retorne que il nad riens per que il poit estre summones, adenques le plaintife suera briefe al Euesque que il face venger son clerk, & Leuesque luy ferra venger per sequestration del Eglise.

Et nota bene, que si home port briefe de det & recouer, & face ses executors & deuie, ils naueront execution, non obstant que il soit deins lan per vn Fieri facias.

186 Elopement.

ELopement, is when a married woman departeth from her husband with an adulterer, & dwelleth with the adulterer without voluntary reconciliation to her husband, by that shee shall lose her Dower by the statute of West. ij. cap. 34. wherupon a verse hath been made in this maner.

Shee that her husband leaues, & lyueth in adulterie, & is not freely reconciled, shall lose her Dowrie.

Elopement.

ELopement, est quant feme espouse departa de son baron oue vn adulterer, & oue le adulterer demurra sans voluntary reconciliation a sa baron, per ceo el perdra sa Dower per le statute de Westminster ij. cap. 34. Sur que vn verse ad estre fait en cel maner.

Sponte virum mulier fugiens,
& adultera facta,

Dote sua careat, nisi sponte
sponso retracta.

187 Em-

The Exposition of

187 Embrasour ou Embraceour.

EMbrasour ou Embraceour, est celuy que quant vn matter est en trial per-
encer partie & partie vient
al barre oue vn del parties
(yant receiue alcu reward
pur issint fair) & parle en
le ca'e, ou priuement labor
i' iurie, ou stat la pur sur-
ue'er ou suruew'eux, per
cest means de miter eux en
pauour & doubt del mat-
ter. Mes homes q' sont eru-
dite en le ley, poient parle
en le cas pur leur clients.

188 Encroachment.

Encroachment, est dit
quant le Seignior ad-
happa seisin de plus rent
ou seruices de son tenant
que de droit est due, ou
doit este pay ou fait a luy:
Come si le tenant tient sa
terre de son Seignior per
fealtie & ij s. rent annuel-
ment, & ore de tardif temps
le Seignior a l'happa seisin
de iij s. rent, ou de ho-
mage ou escuage, ou tiels
semblables, Donques cest
appel vn Encroachment de
cest rent ou seruice.

Embrasour or Embraceour.

EMbrasour or Embrace-
our, is he that when a
matter is in trial between
partie and partie, com-
meth to the barre with one
of the parties (having re-
ceined some reward so to
do) & speaketh in the case,
or priuile laboureth the iu-
rie, or standeth there to
suruey or overlook them,
therby to put them in feare
& doubt of the matter. But
men that are learned in the
law, may speak in the case
for their Clients.

Encroachment.

Encroachment, is said
when the Lord hath
gotten seisin of more rent
or seruices of his tenant
then of right is due or
ought to be paid or done
vnto him: As if the te-
nant hold his land of the
Lord by fealtie and ij s.
rent yearly, and now of
late time he hath got seisin
of iij s. rent, or of homage
or escuage, or such like.
Then this is called an
Encroachment of that rent
or seruice.

189 En-

Termes of the Law.

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189 Enheritance.

ENheritance, is such estate in lands or tenements, or other things, as may be inherited by the heire, whether it be in estate of fee simple, or taile, by descent from any of his aunccestors, or by his owne purchase.

And inheritance is divided into two sorts: that is to say, inheritance corporate, and inheritance incorporeate.

Enheritance corporate are mesuages, lands, meadows, pastures, rents, and such like, that have substance in themselves & may continue alwaies, And these are called corporate all things.

Enheritance incorporeate are advowsons, villaines, waies, commons, courts, fishings, & such like that are, or may be appendant or appurtenant to inheritances corporate.

190 Entre.

ENtre, is where a man entreteth into any lands or tenements in his proper person, or any other by his commandement.

Enheritance.

ENheritance, est tiel estate en terres ou tenements, ou autres choses, que poient estre enheritee par le heire, soit ceo de estate en fee simple, ou taile, par descent de aucun de ses aunccestors, ou par son purchase demesme.

Et enheritance est deuidee en deux sorts: cest alcauoir, enheritance corporate, & enheritance incorporeate.

Enheritance corporate sont mesuages, terres, prees, pastures, rents, & tiels semblables, que ont substance en eux mesmes & poyent continuer tout temps, Et ceux sont appellez choses corporal.

Enheritance incorporeate sont advowsons, villaines, waies, commons, courts, piscaries, & tiels semblables que sont, ou poiēt estre appendant ou appurtenant a enheritances corporate.

Entre.

ENtre, est lou vn home entra en aucun terres ou tenements en son proper person, ou a'cun autre par son commandement.

Auxy

The Exposition of

Auxy sont diuers briefes de Entre queux sont en diuers maners. Vn est briefe dentre sur disseisin, & cest briefe gist lou home est disseise, il ou son heire l'auantdit briefe auera vers mesme le disseisor, ou ascun autre apres tenant del terre. Et si le disseisor alien ou deuie seise, donques le briefe de Entre serra vers le heire ouesque le alienee en le Per, cest adire, en que le tenant non habet ingressum nisi per tiel noimant le disseisor, que luy auoit disseise &c.

Et si le heire ou alienee deuie seise, ou aliena al autre, donques le briefe serra en le Per & Cui, cest adire, en que le tenant non habet ingressum nisi per tiel, noimant le heire ou le alienee del disseisor, cui tiel (noimant le disseisor) il demitt, que luy per tort disseise &c.

Et si terre soit conuey ouster al plusors, ou si le primer disseisor soit disseisi, donqs le bre de Entre serra en le Post, cest adire,

Also there be diuers writs of Entre which be in diuers maners. One is a writ of Entre sur disseisin, and this writ lieth where a man is disseised, he or his heire shall haue this writ against the disseisor, or any other after tenant of the land. And if the disseisor alien and die seised, then the writ of Entre shall be against the heire with the alienee in the Per, that is to say, in which the tenant hath no entre but by such a one naming & disseisor, which him hath disseised &c.

And if the heire or alienee die seised, or alieneth to another, then the writ shall be in the Per and Cui, that is to say, into which the tenant hath no entre but by such a one naming the heire or alienee of the disseisor, to whom such a one (naming the disseisor) did let it, which by force disseised him &c.

And if land be conueyed ouer to many, or if the first disseisor be disseised, then the writ of Entre shall be in the Post, that is to say, that

that the tenaunt hath no entrie but after the disseisin which the first disseisor made to the demandant or his auncestor. See after Entre en le per.

191 Entre in the Per,

Cui & post.

A writ of Entre in the Per lieth where a mā is disseised of his freehold, and the Disseisor alieneth or dyeth seised, and his Heire entreth, then the disseisee or his heire shall haue the saide writte against the Heire of the Disseisor, or against the alienee of the Disseisor, but lyving the Disseisor, hee may haue an Assise if he will, and the writte of Entre shal say, in quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde eū iniuste disseisuit &c. But if the Disseisor aliē, & the alienee dieth seised, or alieneth ouer to another, or if the Disseisor die, and his heire enter, and that heire alieneth or dyeth, and his heire entreth, then the disseisee or his heire shall haue a writ of Entre sur disseisin in the

q̄ le tenant non habet ingressum nisi post disseisinā, quel le primer disseisor fait al demandaunt ou son auncestor. Vide apres Entre en le Per.

Entre en le Per, Cui
& Post.

Briefe de Entre en le Per gist lou home est disseise de son frankement, & le disseisor alien ou deuie seise, & son heire entra, donques le disseisee ou son heire auera le dit briefe vers le heire le disseisor, ou vers le alienee le disseisor, mes viuant le disseisor il port auer Assise si il voile, & le briefe de Entre dirra, in quod A. non habet ingressum nisi per B. que illud ei dimisit, qui inde eum iniuste disseisuit &c. Mes si le disseisor alien, & le alienee deuie seisi, ou alien ouster a vn auter, ou si le disseisor deuie, & son heire entra, & cely heire aliene ou deuie, & son heire entra, donques le disseisee ou son heire auera briefe de Entre sur disseisin en le Per

The Exposition of

Per & Cui, Et le bře dirra,
in quod idem A. non habet
ingressum nisi per B. cui
C. illud ei d. misit, qui inde
iniuste &c.

Et nota bien, que nul
briefe de Entre en le Per
& Cui serra maintena-
ble vers nulluy, mes lou
il que est tenaunt soit eins
per purchase ou per dis-
cent: Mes si le alienation
ou discent sont deuenus
hors des degrees, sur quel
nul briefe post estre fait
en le Per, ne en le Per &
Cui, donques serra fait en
le Post, & le briefe dirra,
in qd A. non habet ingressū
nisi post disseisinā, quā B.
inde iniuste & sine iudicio
fecit p̄f. N. vel M. proauo
N. cuius haeres ipse est.

Auxy sont v. choses que
mittont le briefe de entre
hors des degrees cest a-
dire, entruſion, Succes-
ſion, Disseisin sur dislei-
ſin, Iudgment, ou escheat.

1 entruſion est quant le
disseisor deuie seſſie, & vn
estrange abat.

2 Disseisin sur disseisin
est quant le disseisor est dis-
ſeſſie per vn autre.

Per and Cui, And the writ
shall say, in quod idem A.
non habet ingressū nisi p
B. cui C. illud ei d. misit qui
inde iniuste &c.

And note well, that no
writ of Entre in the Per
and Cui shall bee mainte-
nable against none, but
where he that is tenaunt
bee in by purchase or dis-
cent: But if the alienatiō
or discent bee put out of
the degrees, vpon which
no writ may bee made in
the Per, nor in the Per and
Cui, then it shall be made
in the Post, and the writte
shall say, in quod A. non
habet ingressum nisi post
disseisinam, quam B. inde
iniuste & sine iudicio fecit
p̄f. N. vel M. proauo N.
cuius haeres ipse est.

Also there are v. things
which put the writ of en-
tre out of the degrees, that
is to say, Entruſion, suc-
ceſſiō, disseisin vpon dissei-
ſin, Iudgement, & escheat.

1 Entruſion is when
the disseisor dieth seised, &
an estranger abateth.

2 Disseisin vpon dissei-
ſin, is when the disseisor
is disseised by another.

3 Disseisin

3 Succession, is where the disseisor is a man of religion, and dieth, or is deposed, and his successor entreth.

4 Judgement is when one recovereth against the disseisor.

5 Escheat, is when the disseisor dyeth without heire, or both felony wherby hee is attainted, by which the Lord entreth as in his Escheat.

In all those cases the disseisor or his heire shall not have a writ of Entre within the degrees in the Per, but in the Post, for that that in those said cases they are not in by descent nor by purchase.

192 Entre ad communem legem.

Also there is a writ of Entre Ad communem legem, & lyeth where tenant for terme of life, tenant for term of an others life, tenant by the curtesie, or tenant in dower alieneth and dieth, then he in the reversion shall have the foresaid writ against whomsoever is in after in the said tenements.

3 Succession, est ou le disseisor est vn home de Religion & deuie, ou est depose, & son successor entra.

4 Lu' gent est quant vn recouer vers le disseisor.

5 Escheat est quant le disseisor deuie sans heire, ou fait felonie, per que il est attaint, per que le seignour entra come en son Escheat.

En tous ceux cases le disseisee ou son heire n'aura briefe de Entre deins les degres en le Per, mes en le Post, pur ceo que en ceux dits cases ils ne sont eins per descent ne per purchase.

Entre ad communem legem.

Avy il y ad vn briefe de Entre ad communem legem, & gist lou tenant a terme de vie, tenant a terme d'auter vie, tenant per la curtesie, ou tenant en dower alien & deuie, donqz celui en le reuersio auera le auantit bñ deuers quecanque que soit eins apres en les dits tenements.

193 Entre

The Exposition of

193 Entre en casu
prouiso.

AVxy briefe de entre in casu prouiso gift, si tenant en dower alié en fee, ou pur terme de vie, ou pur auter vie, viuant le tenant en dower, celuy en le reuersion auera le briefe appel briefe de Entre in casu prouiso, & ceo est pur uiew per le statut de Gloucester cap. 7.

194 Entre in casu con-
simili.

AVxy briefe de Entre in casu consimili gift, si tenant pur terme de vie, ou tenant per la curtesie alien en fee, vyuant eux celuy en le reuersion auera vn brief appel briefe de Entre in consimili casu, & ceo est per le statute de West. 2. cap. 24.

195 Entre ad terminum
qui præterijt.

AVxy briefe de Entre ad terminum qui præterijt gift, si vn home lessa terres a vn auter pur terme dans, & le tenant tient ouster son terme, donques le lessour auera briefe que est

Entre in the case
provided.

Also a writ of Entre in casu prouiso lieth, if tenant in dower alien in fee, or for terme of life, or for anothers life, living the tenant in dower, he in the reuersion shal haue a writ called a writ of Entre in casu prouiso, and this is provided by the statute of Gloucester cap. 7.

Entre in casu con-
simili.

Also a writ of Entre in casu consimili lyeth, if tenant for terme of life, or tenant by the curtesie alien in fee, lyving them he in the reuersion shal haue a writ called a writ of Entre in casu consimili, and this is by the statute of west. 2. cap. 24.

Entre ad terminum
qui præterijt.

Also a writ of Entre ad terminum qui præterijt lieth, if a man lease land to another for term of yerres, & the tenant holdoure his terme, then the lessor shal haue a writ which is called

called a writ of *Entre Ad terminum qui præterijt.*

And also if lāds be leased to a man for terme of anothers life, and he for whose life the landes are leased dieth, and the lessee holds ouer, then the lessor shall haue this writ.

196 *Entre without assent of the chapter.*

Also a writte of *Entre fine assensu capituli* lieth, where an abbot, prior, or such as hath Couent or comon seale, alieneth lāds or tenements of the right of his Church, without the assent of the Couent or Chapter and dyeth, then his successor shall haue this writ.

197 *Entre for mariage in speeche.*

Also a writ of *Entre Causa matrimonij prelocuti* lieth, where lāds or tenements are giuen to a man vpon such condition, that he shal take her to his wife within a certaine time, and he do not espouse her within the said terme, or espouse another woman,

appel brieve de Entre ad terminum qui præterijt.

Et auxy si terres sont lesee a vn home pur terme d'auter vie, & cestuy pur que vie les terres sont lesee deue, & le lessee tient ouster, donq; le lessor auera cest brieve.

Entre fine assensu capituli.

AVxy brieve de *Entre fine assensu capituli* gist, lou vn Abbe, Prior, ou tiel que ad Couent or common seale, aliena terres ou tenements del droit de son Esglise, sans le assent del Couent ou Chapter & deue, donque son successeur auera cest brieve.

Entre causa matrimonij prelocuti.

AVxy brie de *Entre causa matrimonij prelocuti* gist lou terres ou tenements sont done a vn home sur tiel condition, que il prendra la donour a sa femme deins certain tēps, & il ne luy espousa deins la dit tēps, ou espouse aut femme,

The Exposition of

ou luy fait Priester, ou entra en religion, ou luy disable, issint que il ne puit luy prendre accordant a la dit condition, donques le feme donour & ses heires auera le dit brieve vers luy ou vers quecurque est eins en le dit terre. Auxy il couient q̄ cest condition soit fait per Indenture, ou autrement cest brieve ne gist, & tous ceux & auters briefes dentre point este fait en le Per, Cui & Post.

198 Entrusion.

ENtrusion, est vn brieve & gist lou tenant a terme de vie deuie seisie de certeine terres ou tenements, & vn cstraunge entra, celuy en la reuersion auera le dit brieve vers labator, ou vers quecunque que soit eins apres lour entrusion. Auxy vn brieve de entrusion sera maintainable per le successeur dun Abbe vers labator que entre en ascun terres ou tenens tempore vacationis que appent a

or make himsele Priest, or enter in Religion, or him disable, so that he cannot take her according to the saide condition, then the donour and his heires shall haue the said writte against him or against whomsoever is in the said lande. And also it beho- ueth that this conditiō be made by Indenture, or otherwise this writte doth not lie, and all these and other writs of entrie may bee made in the Per, Cui, and post.

Entrusion.

ENtrusion, is a writ and is lyeth where a tenant for terme of lyfe dieth seised of certain lands or tenements, and a straunger entreth, her in the reuersion shall haue the saide writ against the abator, or against whosoever that is in after their entrusion. Also a writ of Entrusion shalbe maintainable by the successor of an Abbot against the abator which shall enter in any lands or tenements in the time of vacation that belongeth to the

the Church by the statute of Marlebridge, the last Chapter.

199 Equitie.

EQuitie, is in two sortes differing much the one from the other, and are of contrary effects for y^e one doth abridge, diminish & take frō y^e letter of y^e law, The other doeth enlarge, adde & amplifie therunto.

The first is thus defined, Equitie is the correction of a lawe generally made in that part, wherein it faileth, which correction of the generall wordes, is much vsed in our law. As if for example when an act of parliament is made that whosoever doeth such a thing, shalbe a felon, & shal suffer death, yet if a mad man, or an infant of yong yeres that hath no discretion do the same, they shall be no felons nor suffer death therefore.

Also if a Statute were made that al persons that shal receiue or giue meate or drink, or other succor to any y^e shal do such a thing, shalbe accessory to his offence, and shal suffer death

sa Esglise per statut Marlebridge capitulo ultimo.

Equitie.

EQuitie, est en deux maners, diuers mouite, lun del autre, & sont de contrarie effectes, car lun abridge, diminish & tolle de le letter del ley, Le autre enlarge amplifie & adde a ceo.

Le primer est ainsi define, Equitas est correctio legis generatim latae quae parte deficit, le quel correctio del general parols, est moult vse en nostre ley. Sicome pur exāple, quant acte de parliament est fait, quecunq; que fait tiel acte sera felon, & sera mise al mort, vncore si home de non sane memorie, ou enfant de tēder age que nad discretion le fait, ils ne seront felons, ne mise al morte.

Auxy si estatute soit fait q^{ue} iouts p^{er}sons que recetteront, ou donneront maunger ou boier, ou aue ayde a cestuy q^{ui} fera tiel acte, seroit accessory a son offence, & seroit mise al mort

L ij.

The Exposition of

si ils conufteront del fact,
vncore lun fait tiel acte,
& veigne a sa proper feme,
que sciant ceo luy receiue
& done manger & boier
a luy, el ne serra accessa-
ry ne felon, car en le gene-
raltie de les dits parols del
ley, cestuy de non sane me-
morie, ne le enfant, ne le
feme fueront include in
intent.

Et issint equitie correct
le generaltie del ley en
ceux cases, & les parols
generals sont per equitie
abridge.

Lauter equitie est defi-
ned en tiel maner. Equi-
tas est verborum legis di-
rectio efficiens, cum vna
res solummodo legis ca-
uetur verbis, vt omnia al-
lia in equali genere, eisdē
taueantur verbis: & issint
quant le parolx enacte vn
chose, ils enactes toutes
choses que sont en sem-
blables degrees, sicome
le statute que ordeigne
que en action de debt
vers executors, cestuy
que vient per distresse re-
spondera, extendra per
equitie al administrators,

if they did knowe of the
fact, yet notwithstanding
one doth such an act, & co-
meth to his wife, who
knowing thereof doth re-
ceiue him and giues him
meate and drinke, she shal
not be accessary nor felon,
for in the generalty of the
saide wordes of the lawe,
he that is mad, nor the in-
fant nor the wife, were not
included in meaning.

And thus equitie doeth
correct the generaltie of
the law in thoses cases, &
the general wordes are by
equitie abridged.

The other equity is de-
fined after this sort, Equi-
ty is when the wordes of
the law are effectually di-
rected, and one thing onely
prouided by the wordes of
the law to the end that all
things of y^e like kind may
be prouided by y^e same, & so
whē the wordes enact one
thing they enact all other
things y^e are of like degree
as y^e statute which ordeins
that in an action of debt a-
gainst executors, he that
doth appeare by distr. shal
answer, doth extend by
equity to administrators,
for

for such of them as doeth appeare first by distresse, shall answer by equity of the said act, because they are of like kinde.

So likewise the statute of Gloucester gives the action of wast, and the pain thereof against him that holds for life or yeres, and by the equity of the same, a man shall have an action of wast against him that holdeth but for one yere or halfe yere, and yet that is without the words of the statute, for he that holdeth but for halfe a yere, or one yere, doeth not holde for yeres, but that is the meaning and the wordes that enacte the one, by equity enact the other.

200 Error.

ERROR, is a faulte in a iudgment, or in the proces, or proceeding to iudgment, or in the execution upon the same in a court of record, which in the civil lawe is called a Nullity, And also Error is the name of a writte, and it lyeth where iudgement

car cestuy de eux que vi-ent primes per distres respondera per equitie del dict acte, Quia sunt in æquali genere.

Isint le statute de Gloucester done le action de Waste, & le punishment de ceo vers cestuy que tient pur vie ou ans, & per le equitie de ceo home auera action de wast vers cestuy que tient forsq; pur vn an, ou demy an, & vncore ceo est hors del parols del estatute, car cestuy que tient forsq; pur demy an ou vn an, ne tient pur ans, mes ceo est le entent, & le parols que enact lun, per equitie enacteront l'auter.

Error.

ERROR, est vn fault en vn iudgment, ou en le proces, ou proceeding al iudgment, ou execution sur ceo, en Court de record, quel fault en le civil ley est appel vn Nullitie, Et auxi Error est le nosme de vn briefe, & gist lou iudgement

L iii.

cf

The Exposition of

est done en le Common
banke ou deuant Iustice in
Alsise, ou deuant Iustice
de Oyer & terminer ou
deuant le Maor ou vicont
de Londres ou en auter
Court de Recorde, contre
le ley, ou sur vndue ou ma-
le processe, donques per
cel briefe, le party griue
vers que le iudgement est
done auera cel briefe, &
per ceo causera le Record
& proces desre remoue
deuant les Iustices de bank
le Roy. et la si error soit
troue il sera reuerse: mes
si erroneous iudgement
soit done en bank le Roy,
donques il ne poit estre
reuerse forsque per Parli-
ament tanque le statut 27.
eliz.

Auxy si tiel default soit
en iudgement done en
Court que nest de record,
come en County, hun' reid
ou Court baron, donque
le party auera br de Faux
iudgement pur faire le re-
cord venir deuant Iustice
de Common bank. Auxy si
error soit troue in Lesche-
quer il sera redresse per
le Chancellor & Treasorer

is giuen in the Common
place or befoze the Justice
in Alsise or Oyer and ter-
miner, or befoze y Maor
and Sherifes of London,
or in other Court of Re-
cord, against the lawe, or
bypon vndue and wrong
processe, then by this
writ the party griued a-
gainst whome the iudge-
ment is giuen shall haue
this writ, and thereupon
cause the Record & proces
to be removed befoze the
Justice of y kings bench.
And if the error be found,
it shalbe reuerfed: but if an
erronious iudgement bee
giuen in the kings bench,
then it cannot be reuerfed
but by Parliament, untill
the Statute 27. of Eliza-
beth.

Also if such a default in
iudgme. be giue in a court
that is not of record, as in
count. p. hundred or in court
baron, then the party shall
haue a writ of false iudge-
ment for to make y record
to come befoze Justice of y
comon place. Also if error
be found in the Eschequer,
it shalbe redressed by the
Chancelor and Treasorer,
as

as it appeareth by y^e Statut
of Ed. 3. An. 3 l. ca. 12.

vt patet per statute Ed. 3.
An. 3 l. ca. 12.

201 Escape.

Escape, is where one that
is arrested cometh to
his liberty before y^e he be
delivered by award of any
iustice or by order of law.

Escape is in two sorts,
that is to say, voluntary &
negligent.

Voluntary Escape, is
when one doth arrest an-
other for felonie, or other
crime, & after he in whose
custodie he is, letteth him
go where he will, this let-
ting him go is a volunta-
ry escape.

And if the arrest of him
that escaped were for fe-
lony, then that shalbe felo-
ny in him y^e did suffer the
escape, & if for treason, the
it shalbe treason in him, &
if for trespass, then trespass
and so in all other.

Negligent Escape is
whē one is arrested, & after
escapes against the wil of
him that did so arrest him,
& is not freshly pursued &
taken before the pursuer
looseth the sight of him,
this shall be saide a negli-

Escape.

Escape, est lou vn que est
arrest deuegne a son
libertie deuant que il soit
deliuer per agard de afeun
iustice, ou p order del ley.

Escape est en deux sorts,
videlicet, voluntary & neg-
ligent.

Voluntary escape est qnt
vn arresta auter pur felony,
ou auter crime & puis ce-
luy en que custody il soit,
luy lesser aler ou il veult,
cel lesser de luy aler, est vn
voluntarie escape.

Et si larrest de cestuy que
escape fuit pur felony, ceo
serra dit felony en cestuy
que luy lessa descaper, & si
pur treason il serra treason
en luy, & si pur vn trespass,
donque trespass, & sic de
singulis.

Negligent escape est qnt
vn est arrest, & puis escape
enconter le volunt de ce-
stuy que luy arrest, & ne
soit freshment pursue, &
reprise deuant que le
pursuor perda le view de
luy, ceo serra dit negli-
gent

L. iiii.

The Exposition of

gent escape, non obstant q̄ cestuy hors de q̄ possession il escape luy reprist apres le vieu perdu. Auxy si vn soit arrest, & puis escape & est a son libertie, & cestuy en que garde il fust luy reprise apres, & luy amene a le prison, vncore il est escape en luy.

Auxy si vn felon soit arrest per le Constable, & amene a le gaile en le county & le gayler ne voit luy receiuer & le Constable luy demit, & le gailer au i, & issint il escape, cest est vn escape en le gailer, pur ceo, que en tiel case le gailer est tenu de luy rescueuer per le main le Constable sauns aucun precept de le Iustices de peace. Mes autrement est si vn common person arrest auter per suspicion de felony, la le gayler nest tenu de luy rescueuer sans precept de ascū des Iustices de peace. Il y ad vn escape auxye sans arrest, come si murder soit fait en le iour, & le murderer ne soit prise, donq; il est escape pur q̄ le

gent escape, notwithstanding that he out of whose possession he escaped doe take him after he lost sight of him. Also if one be arrested, & after escape, and is at his liberty, and he in whose ward he was, take him afterward, and bring him to the prison, yet it is an escape in him.

Also if a felon be arrested by the Constable and brought to the gaile in the county, and the gailor will not receive him & the constable letteth him go, and the gailor also, & so he escapeth, this is an escape in ȳ gailor, for that in such case the gailor is bound to receive him by the hand of the Constable without any precept of the Justice of peace. But etherwise it is if a comon person arrest another vpon suspicion of felony, there the gailor is not bound to receive him, without a precept of some Justice of peace. There is an escape also without arrest, as if murder be made in the day, & the murderer be not taken, then it is an escape, for the which the
towns

towne where the murder
was done shalbe amerced.

ville ou le murder fait fait
serra amercie.

202 Eschete.

ESchete, is where a tenāt
in fee simple doth felony
for the which he is hanged
or abiured the Realme, or
be outlawed of felony, mur-
der, or petite treason, or if
the tenant dyeth without
heire generall or speciall,
then the Lord of whom
the tennant held the land
may enter by way of Es-
chete, or if any other enter,
the Lord shal haue against
him a writ called a writ
of Eschete, whych as I
thinke is verpued of the
french word Eschien.

Eschete.

ESchete, est lou vn tenant
en fee simple face felo-
nie pur que il est pendu, ou
abiure le Realme, ou vt-
lage de felonie, murder, ou
petit treason, ou si le te-
nant morust sans heire ge-
neral ou special, donques
le Seignior de que le terre
est tenuus per le tenant poit
enter per voy de Eschete, ou
si ascū auter home enter, le
Sñr auera vers luy vn brief
appel bñe de Eschete, quel
come semble est deriue del
parol francoys Eschuen.

203 Escuage.

EScuage, is called in latin
scutagium, that is to
say, service of the shield, &
he that holdeth by escuage,
holdeth by knights ser-
uice, and to that belongeth
ward, marriage, & reliefe:
but that shalbe entended of
escuage not certein, when
escuager runneth through
England, when it is or-
deined by all the Counsell
of England, that after the

Escuage.

EScuage, est appel en la-
tin Scutagium, cest a-
dire, seruitium scuti, &
cesty que tient per escuage,
tient per service de chiu-
ler, & a ceo appent gard,
marriage, & reliefe: mes
ceo serra entend de escu-
age non certein, quant le
escuage courge per tout
Engleterre, quant est or-
deigne per tout le Coun-
cel Dengleterre, q apres les
guerres

The Exposition of

guerres chescun Seignior auera certaine somme de son tenant que ne fuit en le dit guerre. Mes si le tenant que tient dascun Seignior per escuage, soit oue le Roy en les guerres en Escoce, & le Seign voit distraire luy par Escuage, il serra bon plee adire, que il fuit oue le Roy en Escoce en le guerre, & ceo serra trie per le Marshall le Roy.

Et nota bene, q home ne poit tener p r escuage, finō q il teign per homage, pur ceo que escuage de common droit treit a luy homage, come il fuit iudge en Term H. 21. E. 3. ca. 42. fol. 52. Auowrie 115. Et nota bene que Escuage est vn certain somme de argent, & doit estre leue per le Seign de ses tenants selonque le quantity de son tenure quant le Escuage courge pertout Engleterre, Et ordein est per tout le Counsell Dengleterre quant chescun tenant donera a sō Seignior, & ceo est proprement pur sustainer le guerre per tout Engleterre & ceuz de Escoce, ou de

warre, eueri Lord shall haue a certain summe of his tenant which was not in the said warre. But if the tenant which holdeth of any Lord by escuage, be with the king in his warres in Scotland, & his Lord will distrain him for Escuage, it shall be a good plee to say, that he was with the king in Scotland in his warres, & that shal be tried by y kings Marshal.

And note wel, that a man may not hold by escuage, but esse he hold by homage, for that escuage of comon right draweth to him homage, as it was iudged in Term H. 21. Ed. 3. ca. 42. fol. 52. Auowrie 115. And note well, that Escuage is a certain summe of money, and it ought to be leued by the Lord of his tenant after the quantity of his tenure when Escuage runneth through al England. And it is ordeined by all the Counsel of England how much eueri tenat shal giue to his Lord, & that is properly to maintaine the warres between England & them of Scotland, or of Wales,

Wales, and not betwene other lands, for that that those foresaid lands should be of right belonging to the Realme of England.

See Litt Lib. 2. cap. 3.

204

Esplees.

ESplees, is as it were the seisin or possession of a thing, profit, or commoditie that is to be taken, as of a common the Esplees is the taking of the grasse or common by the mouthes of the beasts that common there: Of an aduowson, the taking of grosse tithes by the parson presented therunto: Of wood, the selling of wood, of an orchard, the selling of apples and other fruit growing there: Of a mill, the taking of toll is the Esplees, & of such like. And note, that in a writ of Right of land, or aduowson, or such like, the demandant ought to allege in his count, that he or his auncestors took the Esplees of the thing in demand, or otherwise the pleading is not good.

205

Essoine.

ESsoine, is wher an action is brought, & the plain-

Gales, & non pas perenter auters terres, pur ceo q les auantdit terres seront de droit appendant a la Roialme Dengleterre. Vide Litt. lib. 2. cap 3.

Esplees.

ESplees, est siccome le seisin, ou possession d'une chose, profit, ou commoditie q est a prendre, come d'un common les Esplees est le prener del grasse ou common per les bouches de les beasts que common la: Dun aduowson le prener de grosse dimes per le parson presented al ceo: De boys, le vender de boys, d'un orchard, le vender de pome: & auters fruits creschans la: Dun molin, le prise de toll est les Esplees, & de tiels semblables. Et nota, que en brief de Droit de terre, ou aduowson, ou tiels semblables, le demandant doit allege en son count, que il ou ses auncestors prise les esplees de chose en demand, ou auterment le count nest bon.

Essoine.

ESsoine, est lou vn action est port, & le plain-

rise

The Exposition of

rise ou defendant ne port
bien appearer al iour en
court pur vn de v. causes
desouth expressees, donques
il sera essoin de sauuer son
default.

Nota que sont v. maners
de Essoins, cest adire, Es-
soin de ouster le mere, &
per ceo le defendant auera
iour per xl. iours. Le
second Essoin est de terra
sancta, & sur ceo le
defendant auera iour per
vn an & vn iour, & ces deux
serront gist al commence-
ment del plee. Le tierce
essoin est de male vener, &
ceo sera adiorne a comon
iour come l'actiõ require,
& appelle commo essoin,
& quant, & coment cest
essoin sera, vide les Sta-
tures & lieu de Abridge-
ment de statutes, lou il est
bien declare. Auxy le iij.
Essoin est De malo lecti, &
ceo est solement en brieve
de droit, & sur ceo il sera
brieve hors del Chaunce-
rie direct al Vicont, que
il maunders quater Chi-
ualers al tenant de voir le
tenant, & si il soit ma-
ladie, de doner a luy

tise or defendant may not
well appere at the day in
court for one of the v. cau-
ses vnder expressed, then
he shall be essoined to saue
his default.

Note well that there be
v. maner of Essoins, that
is to say, essoin De ouster
le mere, & by that the de-
fendant shal haue a day by
xl. daies. The second Es-
soin is De terra sancta, and
vpon this the defendant
shal haue a day by a yere &
a day, & these twain shal be
laid in the beginning of the
plee. The thirde essoin is
De male vener, & that shall
be adiorned to a common
day as the actiõ requireth,
and this is called the com-
mon Essoin, and when, &
how this essoin shall be,
look the Statutes and the
Abzidgement of statutes,
where it is well declared.
And the 4. Essoin is De
malo lecti, & that is onely
in a writ of right, & there-
vpon there shall a writ go
out of the Chauncerie, di-
rected to the shirife, that he
shall send iij. Knights to
the tenant to see the tenar,
and if he be sick, to giue a
day

Termes of the Law.

87

Day after a p̄ere & a day.
Also the fiste **Essoine** is
de seruice del Roy, & it li-
eth in all actions except in
Affise de Nouel disseisin,
a writ of Dower, Darrein
presentment, & in appeal
of Murder, but in this
essoine it behoueth at the
Day to shewe his warrant
oz els it shall turne vnto a
default, if it be in a p̄ce
real, oz els he shall lose xx.
shillings for the iourney
oz more, by the discretion
of the Justice, if it be in a
p̄ce personall, as it appea-
reth by the Statut of Glou-
cest. cap 8.

206 **Estoppel.**

EStoppel is when one is
concluded and forbiddē
in lawe to speake against
his owne act oz decrēe, yea
although it bee to saye the
trueth.

And of **Estoppels** there
are a great manie. one for
example is, when **J. S.**
is bound in an obligation
by the name of **T. S.** oz a-
ny other name, and is sued
afterward according to y
name in the Obligation,
that is to say **T. S.** now

iour apres vn an & vn iour
Auxi le 5. **Essoin** est de ser-
uice le roy, & gist en tous
actiens forsque en **Affise**
de Nouel disseisin, brieve
de Dower, Darrein pre-
sentment, & in appel de
Murder, mes en cest essoin
il couient al iour de mon-
stre son garrant, ou auter-
ment il tornera a vn de-
fault, sil soit en p̄ce real,
ou autrement il perdera
xx. s. pur le iourney ou
pluis, per le discretion del
Justice, sil soit en p̄ce per-
sonel, vt patet per le statute
de Gloucest. cap. 8.

Estoppel.

EStoppel est quant vn est
conclude & denie en
ley de parler encounter
son act ou fait demesne,
nient obstant il soit pur
dire le verity.

Et de **estoppels** il y ad
vn graund number, vn pur
example est quant **J. S.**
est oblige en vn obligati-
on per le nosme de **T. S.** ou
ascun auter nosme, & est
sue apres accordant al fin
le nosme mis en le obli-
gation, cest adire **T. S.** ore
il

The Exposition of

il ne serra receiue adire
que il est misnomme, mes
sera chascun respōd' accord'
al nomme mis en l'obligati-
on, cest adire T. S. car
paradventure l'obligee ne
scauoit pas son nomme,
mes le report tantsole-
ment del obligor mesme,
& entant que il est mesme
le home que fuit obligee,
il serra estoppe & denie
en ley pur adire le con-
trary enconter son fait de-
mesme, car autrement il
pourroit prendre aduantage de
son tort demesme, le quel
le ley ne voit souffrir vn
home de faire.

Auxy si le fille que est
heire a son pere voit suer
liuerie oue sa soer que est
vn bastard, el ne serra
apres receiue pur dire que
sa soer est vn bastard, en-
tant que si la bastard soer
prist le moitie del terre
oue luy, il n'ad remedie
per le ley.

Auxy si vn home seise
de terre en fee simple voit
prendre vn lease pur ans de
m̄ le terre de vn estrange
per fait endent, cest vn e-
stoppel durant le terme de

he shall not be receiued to
say, that he is misnamed,
but shalbe bynen to swi-
swere according to the
name put in the obligati-
on, that is to say, T. S.
for peradventure the obli-
gee did not know his
name, but by the report of
the obligor himselfe, & in
as much as he is the same
man that was bound, he
shalbe estopped & forbid-
den in lawe to say contra-
rie to his owne deede, for
otherwile he might take
aduantage of his owne
wronge, which the lawe
will not suffer a man to
doe.

Also if the daughter is
an heire to her father will
sue liuerie with her sister
is a bastard she shall not
afterwarde be receaued to
say that her sister is a ba-
stard, inasmuch that if her
bastard sister take half the
land with her, there is no
remedy by the law.

Also if a man seised of
lands in fee simple will take
a lease for yers of the same
land of a stranger by deede
intented, this is an estop-
pel during the terme of
yers,

peres, & the lessee is thereby barred to say the truth, for the trueth is, that he that leased the land had nothing in it at the time of the lease made, and that the fee simple was in him & did take the lease: But this he shall not be received to say till after the peres are determined, because it appeareth that he hath an estate for peres, & it was his folly to take a lease of his owne lands, and therefore shall thus be punished for his folly.

207 Estrangers.

Estrangers are sometimes taken, they that are not parties or privies to the leuyng of a fine, or making of a deed: Somtimes they that be born beynd the seas.

208 Estray.

Estray, is wher any beast or cattel is in any lordship, and none knoweth the owner thereof, then it shall be seised to the vse of the King, or of the Lord that hath such estray by the Kinges graunt, or by prescription: And if the owner come & claim thereto within a yere and a day,

ans, & le lessee est per ceo barre adire le veritie, car le veritie est, que il que lessa la terre nad riens en ceo al temps del leas fait, & que le fee simple fuit en luy que prist le lease: Mes ceo il ne serra receiue adire tanque apres les ans serra determine, pur ceo que il appiert que il ad estate pur ans, & il fuit son folie de prendre vn lease de ses terres demesne, & pur ceo serra issint punie pur son folie.

Estrangers.

Estrangers sont ascuns foits prise, ils q ne sont parties ne privies al fine leue, ou felans de vn fait: Ascun foits ils que sont nee ouster le mere.

Estray.

Estray, est lou ascun beast ou cattel est en ascun seignorie, & nul conust le owner de ceo, donques ceo serra seisie al oeps le Roy, ou de le Seignour que ad tiel estray per graunt le Roy, ou per prescription, & si le owner vient & fait claime a ceo deins an & iour, donec.

donques il le reuera, ou
autrement apres le an le
propertie de ceo serra al
Seignior, issint que le
Seignior face proclama-
tion de ceo accordant a
le ley.

209 Estrepment.

EStrepment est vn briefe,
& gift lou vn est im-
plede per vn precipe quod
reddat pur certain terre, si
le demandant suppose que
le tenant voile faire wast
pendant le plee, il auera
vers luy cest briefe que est
vn prohibition, luy com-
mandant q il ne face wast
pendant le plee.

Et cest brief gift proper-
ment lou vn hōe demande
terre per Formedon, ou
briefe de Droit, ou tiels
briefes lou il ne reco-
uer damage, car en tiels
briefes lou il recouera da-
mages, il auera ses dama-
ges, ayant regard al wast
fait.

210 Estate probanda.

ETate probanda, est vn
briefe doffice, & gift pur
le heire le tenant que tient
del Roy in capite, pur pro-
uer que il est de plein age,

then he shal haue it again,
or els after the yeare the
propertie thereof shal bee
to the Lorde, so that the
Lorde make proclamation
thereof according to the
Lawe.

Estrepment.

EStrepment, is a writ, &
it lieth wher one is im-
pleaded by a Precipe quod
reddat, for certaine lande,
if the demandant suppose
that the tenant will doe
wast hanging the plee, he
shal haue against him this
writ which is a prohibi-
tion, commanding him
that he do no wast hang-
ing the plee.

And this writ lieth pro-
perly wher a man deman-
deth lands by Formedon,
or writ of Right, or such
writs where he shall not
reouer damages, for in
such writs where he shall
reouer damages, he shall
haue his damages, hauing
regard to the wast done.

Estate probanda.

ETate probanda, is a writ
of office, & it lieth for the
heire of the tenat that held
of the king in chiefe, for to
proue that he is of full age,
Directed

directed to the Shyrife to enquire of his age, & then hee shall become tenant to the king by the same services that his auncestors made to the king: But it is said that every one that shall passe in this enquest shall be of the age of xliij. peeres at least, so that he was of full age when he sued the writ was bozne.

Excommunge-
ment.

EXCOMMENGEMENT, is to say in Latin Excomunicatio, and it is where a man in Courte Christian is excommenged, then hee is disabled to sue any action in the kings Court, and if he remaine excommunicate xl. dayes, and will not be iustified by his Ordinarie, then the Bishop shall send his Letter patent to the Chancelour to certifie this Excommunication or contempt, and thereupon it shall be commanded to the Shyrife to take y^e body of him that is accursed by a writ called de excomunicato capiendo, til he hath made agreement to holie Church, for

direct al vicont pur enquerer de son age, & donques il deviendra tenant al Roy per mesme les services q^e son ancestor fist al Roy: Mes il est dit, que chescun que passera en cest enquest serra del age de xliij. ans al meins issint que il fuit de pleine age al temps quant cestuy que fust le briefe fuit nee.

Excommunge-
ment.

EXCOMMENGEMENT, est adire en Latin Excomunicatio, & est leu vn home per la iudgement en Court Christian est excommenge, donques il est disable de suer aucun action en Court le Roy, & sil remaine excommenge xl. iours, & ne voile este iustifie per son Ordinarie, donques le Euesque mandera son letter al Chancelour de certifier le excommunication ou contempt, & sur ceo serra command al Vicount de prendre le corps le xcommenge per vn briefe appel Excomunicato capiendo, iusque il ad faic gree al saint Esglise, pur
M. j. le

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le contempt & torte, & quant il est iustifie, & ad fait gree, donque leuesque maundera sa letter al Roy, certifiant ceo, donques serra maunde al viscount de luy deliuer per vn brieve appel Excommunicato deliberando. Veyes le statute 5 E.6.

112 Exchange.

EXchange, est lou vn home est seisi de certain terre, & vn auter home est seisi de auter terre, si ils p vn fait endent, ou sans fait si le terres sont e vn countie, exchange lour terres, issint que chescun de eux auera auters terres, a luy issint exchange en fee, en fee taile, ou a terme de vie, ceo est appel vn exchange, & est bone sans liuery & seisin.

Auxy in exchange il couient que les estates a eux limitee per l'exchange sont egalles, car si vn aueroit estate en fee in sa terre, & l'auter aueroit estate in auter terre forsque pur fine de vie, ou en taile, donques tiel exchange est void, mes si les estates for

the contempt and wrong, and when he is iustified, & hath made agreement, the Bishop shall sende his letters to the King certifying the same, and then it shall be commanded to the shirife to deliuer him by a writ called Excommunicato deliberando. See the statute 5. E. 6.

Exchange.

EXchange, is where a man is seised of certaine land, and another man is seised of other land, if they by a deed indented, or without deed, if the lands be in one county, exchange their lands so that euery of the shal haue others lands to him so exchanged, in fee, fee taile, or for term of life, that is called an exchange, and is good without liuery or seisin.

Also in exchange it becometh that the estates to the limited by the exchange be egall for if one should haue an estat in fee in his land, and the other should haue estate in another land but for terme of life, or in taile, the such exchange is void, but if the estates be egall,

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egall, & the landes be not of egall value, yet the exchange is good. Also an exchange of rent for land is good. Also an exchange betwene rent & common is good, & that ought to be by deed. Also it behoueth alway, that this word exchange be in the deed, or els nothing passeth by the deed except that he haue liuerie and seisin.

113 Execution.

EXecutio, is wher iudgement is giuen in any action that the plaintiffe shall recouer the lande, debt or damages, as the case is, & when any writte is awarded to put him in possession, or to do any other thing, wherby he shoulde better be satisfied his debt or damages, that is called a writ of executio, & wher he hath possession of the land, or is paid of his debt or damages, or hath his bodie of the defendant awarded to prison, the he hath executio. & if the plee be in his countie, or court baron, or hundred & they deferre the execution of the iudgement in fauour of the party, or for

egalles, & ses terres ne s'ont de egal value, vntore l'exchange est bone. Auxy vn exchange de rent pur terre est bone. Auxy exchange inter rent & common est bone, & ceo couient estre per fait. Auxy il couient tous soits q' cest parol exchange soit in le fait ou autrement rien passa per le fait sinon que il aiet liuerie & seisin.

Execution.

EXecution, est lou iudgement est done en ascun action q' le plaintiffe recouera la terre, le det ou damages, come le case est, & q'nt ascun briefe est agarde de luy mitter en possession ou de faire ascun chose, per q' le pl' serra le mieux satisfe son debt ou damages, ceo est appel bre de execution, & quant il ad le possession de le terre, ou est pay de det ou damages, ou ad le corps le defendant agard al prison, donques il ad execution, & si le ple soit en County, ou Court Baron, ou hundred, & ils delayont le execution del iudgement in fauour de party ou per

M. ij.

autres

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auter encheafon, dunque
le demandant auera briefe
de Executione iudicij. Nota
que en briefe de dett,
home nauera recouery de
nul terre, mes de ceux que
le defendant auoit iour de
iudgement rendu. Et de
chateux home auera exe-
cution folement des cha-
teux, queux il auoit iour
de execution sue.

214 Executor.

EXecutor, est quant hōe
fait son Testament &
darrein volūte, & in ceo
nosina le person que exe-
cutera son testament, don-
que cestuy que est issint
nosine est son executor, &
est a tant come en le ci-
uil ley (*heres designatus vel
testamentarius*) come al
debts, biens & chattels
son testator, & tiel execu-
tor auera actiō vers ches-
cun debtor de son testa-
tor, & si lexeuteurs ount
assets, chescun a que le
testator fuit in debt, au-
ra actiō vers lexeuteurs
si ad obligatiō ou espe-
cialtie, mes in chescun
case lou le restitour puis-
soit gager son ley, nul ac-
tiō gift vers executor.

other cause, then the dea-
mādāt shal haue a writ of
Executione iudicij. Note
that in a writte of debt, a
man shal not haue recoues-
rie of any lāds, but of thē
which the defendāt hath &
day of & iudgmēt peelded.
And of catteis a man shal
haue execution only of the
cattels, which he hath day
of the execution sued.

Executor.

EXecutor, is when a mā
maketh his testament &
last will, and therein na-
meth the person that shall
execute his testament, thē
he that is so named is his
executor, & is asmuch as in
the ciuill law, (*heres de-
signatus* or *testamētarius*)
as to debts, goods & cat-
tels of his testator, & such
an executor, shall haue an
action against euery deb-
tor of his testator, & if the
executors haue assets, eue-
ry one to whom & testator
was in debt, shall haue an
action against the execu-
tor, if he haue an obligatiō
or specialty, but in euery
case wher & testator might
wage his lawe, no action
lieth against the executor.

Looke

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Looke more therof befoze
in þe title Administratoꝝ.

215 Exigent.

Exigent, is a writ & it ly-
eth where a man sueth
an action personal, and the
defendant cannot be found,
nor hath nothing in the
countie wherby he may be
attached nor distrained,
the this writ shal go forth
to the shirife to make pro-
clamation at siue counties
euery one after another, &
he appeare, or else that he
shalbe outlawed: and if he
be outlawed, then all his
goods & cattels be for. to
the King. Also in an in-
dictmente of Felonie, the
Exigent shal goe forth af-
ter the first Capias. And
also in a Capias ad cõpu-
tandũ, or ad satisfaciendũ:
And in euery Capias that
goeth forth after iudgmēt
the exigent shal goe forth
after the first Capias. And
also in appeale of death,
but not in appeale of rob-
berie or appeale of maym.

216 Ex parte talis.

Ex parte talis, Looke
therefoze befoze in the
title, Accompt.

Vide plus de ceo deuant
titulo Administratoꝝ.

Exigent.

Exigent, est vn briefe, &
gist lou home sue acti-
on personal, & le defen-
dant ne puit este troue ne
ad riens deins le countie,
per que il puit este attache
ne distreine, donques cest
briefe issera al Vicount de
faire proclamation al v.
counties chescun apres
auter que il appearer ou
auterment que il serra vt-
lage: & si soit vtage,
donques toutes ses biens
& chateux sont forfaites
al Roy. Auxy en vn en-
ditement de felonie le ex-
igent issera apres le pri-
mer capias. Et auxy en
capias ad computandum
ou ad satisfaciendum, &
en chescun capias que il
sist apres iudgement lexi-
gent issera apres le primer
Capias. Et auxy en ap-
peale de mort, mes nemy
en appeale de robberie ou
appeale de mayme.

Ex parte talis

Ex parte talis, Vide de
ceo deuant titulo Ac-
compt.

M.ijj.

Ex

The Exposition of

217 Exgrauiquerela.

EXgrauiquerela, Vide de ceo deuant titulo Deuise.

218 Extinguishment.

EXtinguishment, est lou ascun seign, ou asc' auter ad ascun rent ou seruice issuant dascun terre, & il purchase mesme la terre, usint que il ad tiel estate en la terre, come il auoyt en le rent, donques le rent est extincte, pur ceo que vn ne puit auer rent issuant hors de son terre demesne. Auxy qnt ascun rent serra extient, il couient que le terre & le rent sount en vn maine, & auxi q lestate que il ad ne soit defeasible: & auxi q il ayt auxi bõ estate en le tre cõc en le rent, car sil ad estate en le tre forsq; pur tme de vie ou dans, & ad vn fee simple en le rent donqs le rent nest extinct, mes le rent est en suspence pur cel temps, & donque, apres le terme le rent est reuiue. Auxy si soit Seignior, mesne & tenant, & le Seignior purchase la tenancie, donque le menaltie est extincte, mes le mesne auera le surplusage

Exgrauiquerela.

EXgrauiquerela, Looke therefore before in the title Deuise.

Extinguishment.

EXtinguishment, is wher any Lord, or any other, hath any rente or seruice going out of any lande he purchaseth the same land, so that hee hath such estate in the land as he hath in þe rent, thẽ the rent is extinct for that one may not haue rent going out of his owne land. Also when any rent shal be extinct, it behoueth that the land and the rent be in one hand, and also þ the estate þ he hath be not defeasible: & also þ he haue as good estate in the land as in þe rent, for if hee haue estate in the lande but for terme of life or yeeres, and hath fee simple in the rent, thẽ the rent is not extinct, but the rent is in suspence for that time, and then after the terme, the rente is reuiued. And if there bee Lord, mesne, and tenant, and the Lord purchase the tenancy, then the menaltie is extinct, but the mesne shall haue the surplusage of

of the rent, if there be any, as rente secke. Also if a man haue a hie way appendant and after purchase the land wherein the hie way is, then the way is extinct: and so it is of a comen appendant.

219 Extortion.

Extortio, is a wrong don by an officer, Ordinary, Archdeacon, official, Maior, Bailif, Shirif, Escheator, Coroner, vnder shirif, gailer or other Officer, by colour of his Office, in taking excessive rewarde or fee, for execution of his said Office or other wise, and is no other thing in deede then plain robbery, or rather more odious then robbery, for robbery is apparaunt, and alwayes hath with it the countenance of vice, but extortion being as great a vice as robbery is, carrieth to it a countenance of vertue: By meanes wherof it is more hard to bee tried, or discerned, and therefore the more odious, and yet some there be that wil not sticke to stretch their office, credit and conscience, to purchase

del rent, si asc' soit, cōe rene secke. Auxil si hōe ad chymin appendant & puis purchase le terre en que le chymin est, donques le chymin est extinct, & auxil est de vn comen append'.

Extortion.

Extortion, est vn tort fait p vn officer, Ordinarie, Archdeac', Official, Maior, Bailife, Vicount, Escheator, southwicount, Coroner, gailer ou auter officer, Colore officij sui en prendrans excessiue reward ou fee, pur execution de son dit office, ou autermt, & nest aut chose in fait, que plaine robbery, mes plus odible que robbery, car robbery est apparant, & tout temps ad oue luy le countenance de vice, mes extortion esteant cy haut vice, come robbery est, port oue luy vn countenance de vertue, per reason de quel il le plus dure destetrie, ou discerne, & pur ceo le plus odibile, & vncore ascuns il y ad que ne voyloient demur, mes stretch leur office, credite, & conscience, pur purchaser money,

M.iiiij.

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money, cybien per extor-
tion, come autrement, ac-
cordant al disans de le
Poet Virgil, quid non mor-
talia pectora cogit, auri
sacra fames?

F.

220 Failer de Record.

FAiler de Recorde, est
quant vn Action est
porte enuers vn, & le de-
fendant plede ascun mat-
ter de Recorde en auter
sort & auer de cco proue
per le Recorde. Et le pl^d
dit nul tiel Recorde, sur
que le defendant ad iour
done a luy, pur amesner
eins le Recorde, a quel
iour il faile, ou ames-
ne eyns vn tiel que nest
barre al cest action, don-
ques il est dit de failer de
Record, & sur cco le plain-
tife auera iudgement de
reconer &c.

221 Fait.

FAit est vn escript en-
seale & deliuer a pro-
uer & testifier le agree-
ment del partie quel fait
il est, al chose containe
en le faite, Come vn
faite de feoffement est
vn proue del liuerie de

money as wel by extortion
as otherwise according to
y saying of y Poet Virgil,
what is y y hunger sweete
of gold doth not cōstraine
men mortall to attempt?

F.

Failing of Record.

FAiling of Record, is whe-
n an action is brought a-
gainst one and the defend-
dāt pleadeth any matter y
is of record in another sort
& doth auerre to proue it
by Record, And the plain-
tife saith there is no such
Record, whereupon the
defendant hath day giuen
him to bring in the record,
at which day he faileth, or
brought in such a one, as
is no barre to this action,
then hee is saide to faile of
his Record, and therupon
the plaintife shall haue
iudgement to recouer &c.

Deede.

DEede, is a writing seas-
led and deliuered to
proue and testifie the a-
greement of y party whose
deede it is, to the thing
contained in the deede, as
a deede of feoffement is
a prooffe of the liuerie of
seisin,

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seisin, for the land passeth by the liuerie of seisin, but when the deed and the deliuerie are ioynted together, that is a pꝛoofe of the liuerie, and that the feoffor is contented, that the feoffee shall haue the land. And note, that all deedes are either indented, whereof there bee two, thre, or moꝛe parts, as the case requireth, of which the feoffour, grauntoꝛ, or lessour hath one, the feoffee, grauntee, or lessee another, And peraduenture some other bodie also another &c. Or els they are poll deedes, or single, and but one, which the feoffee, grauntee, or lessee hath &c. And euery deed consisteth of thre pꝛincipall points, (and if these thre be not ioynted together, it is no perfect deede to bind the parties) namely, wꝛiting, sealing, and deliuerie.

The first point is wꝛiting, whereby is shewed the parties names to the Deed, their dwelling places, their degrees, the thing granted, vpon what considerations, the estate

seisin, car le terre passa per le liuerie de seisin, mes quant le fait & le liuerie est ioynt ensemble, cest vn proue del liuerie, & que le feoffor est content, que le feoffee auera le terre. Et nota, que tous faites sont ou indent, de quel y sont deux, trois, ou plusors partes, come le case require, de que le feoffour, grauntour, ou lessour ad vn, le feoffee, grauntee, ou lessee, vn autre, Et peraduenture ascun autre person auxy, vn autre &c. Ou autrement ils sont faites poll, ou single, & forsque vn, le quel le feoffee, grauntee, ou lessee ad &c. Et chescun fait consist de trois principal choses, (& si ceux trois ne sont ioyne ensemble, il nest perfect fait de lier les parties) nesmeement, escripture, sigillation, & deliuerie.

Le primer point est escripture, per que est declare les nosmes del parties al fait, leur habitation, leur degrees, le chose grauntus, sur queux considerations, le estate
limur,

The Exposition of

limit, le temps quant il fuit grauntus, & si simplement ou sur condition, oue auters tielx semblables circonstances. Mes si les parties al fait, escript en le fine lour nollmes demesne, ou mis a ceo lour marks (come il est communemēt vse) il ne fait ascun matter (come ieo suppose) car ceo nest entende, ou il est dit, que chescun fait couient de auer escripture.

Le second point est sigillation, que est plus testimonie de lour consents al ceo containe en le fait, come appiert per ceux parolx, In cuius rei testimonium &c. ou a tiel effect, mis en le fine de faits, sans queux parolx, le fait est insufficent. Et pur ceo que nous sumus en sigillation & signing de faites, il ne serra dehors, icy a monstre a vous, pur le amour de antiquite, le maner del signing & subscribing de faits, en nostre auncesors le Saxons temps, vn fashion differēt de ceo que nous vse en ceux nostre

limited, the time when it was graunted, and whether simply, or vpon condition, wyth other such like circumstances. But whether the parties vnto the deede, write in the end their owne names, or set to their marks (as it is commonly vsed) it maketh no matter at all (as I think) for that is not meant, where it is said, that euery deede ought to haue writing.

The second point is sealing, which is a further testimonte of their consents to that contained in the deede, as it appeareth in these wordes, In witness velle wherof &c. or to such effect, alwayes put in the latter end of deedes, without which wordes the deede is insufficent. And because we are about sealing and signing of deedes, it shall not be much amisse heere to shew you, for antiquities sake, the maner of signing & subscribing of deedes, in our auncesors the Saxons times, a fashion differing frō that we vse in these our dayes.

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Dayes, in this that they
 to their deedes subscribed
 their names (commonly
 adding the signe of the
 Crosse,) and in the end
 did set down a great num-
 ber of witnesses, not vsing
 at that time any kind of
 seale. And we at this
 day for more suretie, both
 subscribe our names (al-
 though that be not verie
 necessarie, as I haue a-
 foresaid) and put to our
 seales, and vse the help of
 testimonie besides. That
 former fashion continued
 throughout, until the time
 of the Conquest by the
 Normans, whose maners
 by little & little at length
 preuayled amongst vs, for
 the first sealed charter in
 England is thought to be
 that of king Edward the
 Confessor to the Abbey of
 West. who being brought
 vp in Normandy, brought
 into this Realm that and
 some other of their guises
 with him. And after the
 comming of William the
 Conqueror, the Normans
 lyking their owne coun-
 trey customes (as natural-
 ly all Nations do) reiecte

iours, en ceo que ils a lour
 faits subscribe lour nos-
 mes, (communement ad-
 ding le signe del Crosse,) &
 en le fine mis vn grand
 number des testmoignes,
 nient vsant a cel temps al-
 cun maner de sigil. Et
 nous a cest iour pur plus
 suretie, auxy bien subscribe
 nostre nosme (nient ob-
 stant ceo nest mult neces-
 sarie, come ieo aye de-
 uant dit) & mis nostre si-
 gilles, & vse le ayde des
 tesmoignes auxy. Cest
 primer fashion continue
 per tout, tanque al temps
 del Conquest per les Nor-
 mans, que maners per
 petite & petite al darraine
 preuayle enter nous, car
 le primer charter sigil en
 Engleterre est pense estre
 ceo del Roy Edward le
 Confessour al Abbey de
 Westminster, que esteant
 educate en Normandy,
 port en cest Realme ceo,
 & ascun autre de lour
 guises. Et apres le veniens
 de Guiliam le Conque-
 reur, les Normans esti-
 mans de le custom de lour
 pays (come naturellement
 tous Nations font) reiecte
 le

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le maner que ils trouont
cy, & reteignent leur pro-
per, come *Ingulphus* le Ab-
bot de Croiland, que vient
eins oue le conquest res-
moygne, dicens: Nor-
manni cheriographorum
confectionem, cum cruci-
bus aureis, & alijs signa-
culis sacris in Anglia fir-
mari solitam in cara im-
pressa mutant, modumq;
scribendi Anglicum reij-
ciunt. Mes nient obstant
ceo ne fust fait tout al vn
temps, mes il encrease &
vient eins per certain steps
& degrees, issint que pri-
mes & par vn season le
Roy solement, ou vn peu
autres de le Nobilitie ou-
ster luy vse de sigiller. D'o-
ques le Noble homes pur
le plus part, & nul autres:
Quel chose vn home poit
veyer en le History de Bat-
tell Abbey, ou *Richard Lu-
cy* chiefe Iustice de Engle-
terre, en le temps del Roy
Henry le second, est re-
port de auer blame vn
meane subiect, pur ceo que
il vse vn priuate sigille,
quant ceo pertaine (come
il dit) al Roy & Nobilitie
solement.

the maner that they found
heer, and retained their
owne, as *Ingulphus* the
Abbot of Croiland, who
came in wth the con-
quest witnesseth, saying:
The Normans do change
the making of writings
which were wont to be
firmed in England with
crosses of gold, and other
holie signes, into the prin-
ting waxe, and they reiect
also the maner of the En-
glish writing. Howbeit
this was not done all at
once, but it increased and
came forward by certaine
steps and degrees, so that
first and for a season the
king onely, or a few other
of the Nobilitie besides
him vsed to seale: Then
the Noble men for h most
part, & none other: which
thing a man may see in the
History de Battell Abbey,
where *Richard Lucy* chief
Iustice of Englad, in the
time of king Henry the se-
cond, is reported to haue
blamed a mean subiect, for
that he vsed a priuate seal,
when as that pertained
(as he said) to the king &
Nobilitie onely.

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At which time also (as I. Rolfe noteth it) they vsed to ingraue in their seales, their owne pictures and counterfaites, couered with a long coate ouer their Armors. But after this the Gentlemen of the better sort tooke by the fashion, and because they were not all warriors, they made seales ingrauen with their seuerall coats or shields of armes, for difference sake, as the same authour reporteth. At the length about the time of King Edward the third, Seales became verie common, so that not onely such as bore armes vsed to seale, but other men also fashioned to themselves Signets of their owne deuise, some taking the letters of their owne names, some flowers, some knots and flourishes, some birds or beastes, and some other things as wee now yet daily behold in vse.

Some other manner of sealing besides these haue bin heard of among vs, as namely that of King Edward the third, by which

A quel temps auxy (come I. Rolfe note ceo) ils vse de ingraue en leur sigils, leur pictures demesme, & counterfaits, couer oue longe tunicle super leur Armors. Mes apres ceo les Gentlehomes del meillour sort prist le fashion, & pur ceo q'ils ne fueront toutes guerriours, ils fesoient sigilles engraue oue leur seuerall coates ou shields de armes, pur difference, come mesme le authour report. Al darraigne, in tēps del roy Edward le iij. sigils fueront mult common, assint q'non solement tiels, que portāt armes vse de sigiller, mes auters homes auxy fesoier al eux mesmes signets de leur deuise demesme ascūs prendrans les letē de leur nosmes demesne ascuns flowers, ascūs knots & flourishes, ascuns oyseaux ou beastes, & ascuns auīs choses. cōe nous ore vnc iournalement veiomus en vse.

Ascuns auters manners de sigillation ouster ceux ad estre oye enter nous, come nosment ceo del Roy Edw. le iij. per que

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il done al Norman le hunter : Le hop & le hopuille, oue tous les bounds vpside downe, & en tesmoigne que il soit veray, il morde le cere oue son forge dent.

Le semblabl' de cest fuit mie a moy per vn de mes amies en vn lose chart, mes non mult auncientment escript, & pur ceo il voile moy q' ieo esteema de ceo come ieo pense bn : Il fuit come ensuist.

Ieo Guilliā King, done a vous Powlen Royden, ma hop & ma hop terres, oue tous les bounds vp & downe, de celo al terre, de terre ad infern, pur toy & vestres a demurrer, de moy & mes, al toy & vestres, pur vn arck & vn brode sagit, quāt ieo veign pur hunter sur yarrow. In tesmoign que ceo est veray, ieo morde cest cere oue mon dent, in presence de Magge, Maude, & Margerie, & mon tierce fites Henrie.

Item ceo de Alberic de Veer, conteignant le donation de Hatfield, al quel il fixe vn curt noier hast

he gaue to Norman the hunter : The hop and the hop towne, with all the bounds vpside downe, & in witnes that it was sooth, he bit the waxe with his fore tooth.

The like to this was shewed to me by one of my friends in a loose paper, but not very aunciently written, and therefore he willed me to esteeme of it as I thought good : It was as followeth.

I William king, gite to thee Powlen Royden, my hop and my hoplands, with all the boundes vp & downe, from heauen to earth, fro earth to hell, for thee and thine to dwell, fro me and mine, to thee & thine, for a Bowe and a broade arrowe, when I come to hunt vpon yarrow. In witnesse & this is sooth, I bite this waxe with my tooth, in the presence of Magge, Maude, & Margerie, and my thirde sounē Henrie.

Also that of Alberic de Veer, containing the donation of Hatfield, to the which hee affixed a short black

black hasted knife, like vnto an olde halfe peny whittlet, in steede of a seale with diuers such like.

But some peraduenture will thinke that these were receiued in common vse and custome, and that they were not rather the deuises and pleasures of a few singular persons, such as are no lesse deceiued, then they that deeme every charter and wryting that hath no seale annexed, to be as ancient as the Conquest, whereas in deede sealing was not commonly vsed til the time of king Edward the third, as hath bin already said.

The thirde point is deliuerie, which although it be set last, is not the least, for after that a deede is wrytten and sealed, if it be not deliuered, all the rest is to no purpose.

And this deliuerie ought to be done by the partie himselfe, or his sufficient warrant, and so it shall bind him, whosoever wrot or sealed the same, and by this last act the deede is made perfect, according to

cuttel, semblable al vn vieux demy denier whittle, en steede de vn seale, oue diuers tielx semblables.

Mes ascun peraduenture voylent pense q̄ ceux fuerount receiue en common vse & custome, & que ils ne fuerount les deuises & pleasures dun peu singular persons, tiels quels ne sont meines deceiue, que ils que pensont chescun charter & escript que ne ad sigille annex, destecy auncient come le Conquest, lou en veritye sigillation ne fuit communement vse tanque al temps del Roy Edward le tierce, come ad este dit.

Le tierce point est deliuerie, quel nient obstant il soit mis darrein, nest le meaneist, car apres que vn fait soit escript & sigil, si ne soit deliuer, tout le residue est a nul purpose.

Et cest deliuerie doyt estre fait per le partie luy mesme, ou son sufficient garrant, & ilsint il luy liera quecunque escript ou sigil ceo, & per cest darreine acte, le fait est fait perfect, accordant al entent

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entent & effecte de ceo ,
& pur ceo en faites le deli-
uerye est destre pro-
ue &c.

Issint poies veyer que
escripture & sigillation
sans deliuerie est a nul
purpose, Que sigillation
& deliuerie lou nest as-
cun escripture, worke nul
chose, Ne escripture &
deliuerie sans sigillation
auxy fait nul fait. Et pur
ceo ils tous doivent ioint-
ment concurre pur faire
vn perfect fait, come est
auantdit.

Farme ou Ferme.

Farme ou Ferme est spe-
cialment le chiefe me-
suage en vn village ou
towne a que appertient
graund demeanes detouts
sortes, & ad este vse destre
lesse pur terme de vie, ans,
ou a volunt.

Item le rent que est re-
serue sur tiel lease ou sem-
ble, est appelle farme ou
ferme.

Et farmor ou fermor,
est celuy que occupia le
farme ou ferme, ou est les-
see de ceo.

Auxy generalmt chescū
lessee

the intent and effect theres-
of, and therefore in deeds
the deliuerie is to bee pro-
ued &c.

So thus you see that
writting and sealing with-
out deliuerie is nothing
to purpose. That sealing
and deliuerie where there
is no writting worketh no-
thing, For writting and
deliuerie without sealing
also make no deede. And
therefore they all ought
iointly to concurre to
make a perfect deede, as
is before said.

222 Farme ou Ferme.

Farme or Ferme is spe-
cially the chiefe mesu-
age in a village or town
whereto belongeth great
demeanes of all sorts, and
hath bin used to be let for
terme of life, yeares, or
at will.

Also the rent that is re-
serued vpon such a lease
or the like, is called farme
or ferme.

And farmor or fermor,
is he that occupieth the
farme or ferme, or is lessee
thereof.

Also generally every

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lessee for life, yeeres, or at will, although it be of neuer so small a cottage or house, is called farmor or fermor.

And note, that they are called farmes, or fermes, of the Saxon word Feormian, which signifieth to feed, or yeeld victual. For in the auncient time, their reseruations were aswell (or for the more part) in victuals, as money, butill at the last, and that chiefly in the time of King Henry the first (by agreement) the reseruatiō of victuals, was turned into ready money and so hitherto hath continued amongst most men.

223 Faux imprisonment.

FAux imprisonment, is a writ, and it lieth where a mā is arrested & restrained frō his libertie by another, against the order of the law, then he shall haue against him this writte whereby he shall recouer damages. Looker more thereof before in the title Arrest.

lessee pur vie, ans, ou al volunt, nient obstant il soit dun petit cottage, ou mess. est appel farmor ou fermor.

Et nota, que ils sont appels farmes, ou fermes, del Saxon paroll, Feormian, q̄ signifie pur feede, ou render victual. Car en auncient temps, leur reseruatiōs fueront cy bien (ou pur le plus part) en victual come argent, tanque al darreine, & ceo principalement en le temps del Roy Henry le primer (per agreement) le reseruatiō de victuals, fuit conuert en ready argent; & issint vncore ad continue enter plusors homes.

Faux imprisonment.

FAux imprisonment, est vn briefe, & gift lou home est arrest & refraine de son libertie per vn autre, encounter order de ley, donques il auera vers luy cest briefe per que il recouera damages: Vide plus de ceo deuant titulo Arrest.

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224 Faux iudgment.

FAux iudgement vide de
ceo deuant titulo error.

225 Fee ferme.

FEe ferme, est quant vn
tenant tient de son seig-
nior en fee simple rendant
a luy le value del moitie
ou de tierce part, ou quart
part, ou de auter parte del
terre, per an, & que tient
en fee ferme ne doit paier
reliefe ou faire au chose,
mes sicome est contein
en le feoffement forsq; fe-
altie, car ceo appēt a tous
mañs tenures.

226 Fee simple.

FEe simple, est quant as-
cun person tient terre
ou rent ou auter chose
inheritable a luy & a ses
heires a tous iours, ceux
parols ses heires font le-
statut denheritance, car si
terre soyt done a home a
tous iours, ynquore il
nad forsque estate pour
terme de vye. Auxy si te-
nant en fee simple deuie,
son primer fites serra son
heire, mes sil nad fites, don-
ques tous les files q'il ad
serront son heire, & ches-
cun auera son parte p par-
tition, mes sil nad fites ne

Faux iudgement.

FAux iudgment look ther-
for before in y title error

Fee farme.

FEe farme, is when a te-
nant holdeth of his lord
in fee simple, paying to
him the value of half, or of
the iij. or of the iij. part, or
of other part of the lande,
by the yere. And he y hol-
deth by fee ferme, ought
not to pay relief or do any
other thing then is cōteis-
ned in the feoffment but
fealtie, for that belongeth
to al kind of tenures.

Fee simple.

FEe simple, is when any
person holdeth lands or
rent or other thing inher-
itable to him and to his
heirs for euermore & these
words his heirs make the
estate of inheritance, for if
land be giuen to a mā for
euer yet he hath but an e-
state for terme of life. Als
so if the tenāt in fee simple
die, his first sonne shal be
his heire, but if he haue no
son, thē al his daughters,
that he hath shalbe his
heires, and euery one shal
haue her part, by partitiō,
but if he haue no son nor
daugh-

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daughter, the his next co-
lin collateral of the whole
blood shalbe his heire.

227 Feoffment.

FEoffmēt is where a mā
giueth lands, houses, or
other corporall thinges
which be hereditabl to an
other in fee simple, & ther-
of deliuereth liuery & seisin
& possess. y is a feoffment.
Also if one make a gift in
y taile, or a leas for terme
of life, or of an other mā's
life, it behooueth also to
giue liuery & seisin, or els
nothing shal pas by y grāt

228 Feffor & Feoffee.

Feffor is he that infeffeth
or maketh a feoffmēt to
an other of lands, or tene-
ments in fee simple. And
feoffee is he, who is infef-
fed, or to whom the feoff-
ment is so made.

229 Fealty.

Fealty, is a seruice called
in latin *Fidelitas*, & shall
be done in such maner, y
is to say, the tenant shall
hold his right hand vpon
a booke, & shall say to his
lord. I shalbe to you faith-
ful & true, & shall beare to
you faith for y lands & te-
nements, which I claime

file, donques son pcheyn
cōsin collatē de lēntier
sank serf son heire.

Feoffment.

FEoffment, est lou vn don
terre, ou tiel chose cor-
poral hereditable a vn au-
ter in fee simple, & de ceo
deliuer seisin & possession
ceo est vn feoffement.

Auxy si vn fait done in le
taile, ou leas pur terme de
vie, ou pur terme d'auter
vie, il couient auxy de
don liuery & seisin, ou au-
terment riens passera per
le grant.

Feoffor & Feoffee.

Feffor, est celuy que en-
feoffe, ou fait feoffmēt
al auter de terres ou tene-
ments en fee simple. Et
feoffee est celuy, que est en-
feoffe, ou a q le feoffement
est issint fait.

Fealtie.

Fealtie, est vn seruice ap-
pel en latin *Fidelitas*, &
serra fait in tiel maner
cesta scauoir le tenaunt
tiendra sa mayne dexter
sur vn liuer, & dira a
son seigniour. Ieo a vous
serra foyal & loyal, & foy
vous portera des tene-
ments que ieo clayme

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de tēer de vous, & loyall vous ferra les customes & seruices q̄ faire vous doye al termes assignes, sicome moy eyd dieu. Et basera la liuer, mes il ne genule-
ra, come en fessant Ho-
mage: Et de ceo vide apres en le tittle homage. Auxy fealty est incident a tous maners tenures.

230 Felony.

FELony, est vn generall terme, que compre-
hend diuers haynous of-
fences, pur que loffen-
dors doient suffer mort,
& perdre lour terres: Et
semble que eux sont ap-
pels felonies del Latin
parol *Fel*, que est Angloys
Gall, en Francoys *Fiel*:
Ou del auncient paroll
Angloys *Fell* ou *fierce*,
ou pur ceo que sont en-
tend destes faits felleo a-
nimo, with Bitter, *Fell*,
Fierce, ou mischeuous
mind. Et ascun de ceux
sount, quant home sans
ascun colour de ley, em-
bley les biens dun auter
amountant al value de xij.
d. ou plus, ceo est larce-
ny, mes si vn approcha a le
person vn auter en le hault

to hold of you, and trulye
shal do to you the customes
& seruices that I ought
to do to you at the termes
assigned, so help me God.
And shal kisse the booke,
but he shal not knele as in
doing homag. And therof
looke after in the tittle ho-
mage. Also fealty is inci-
dent to all maner tenures.

Felony.

FELony, is a generall
terme, which comprehē-
deth diuerse heynous of-
fences, for which the offē-
dor ought to suffer death,
& loose their lands: And it
seemeth that they are cal-
led felonies, of the Latine
word *Fel*, which is in En-
glish *Gall*, in French *Fiel*:
or of the ancient English
worde *fell* or *fierce*, or be-
cause that they are inten-
ded to be done with a cru-
ell, bitter, *fel*, *fierce* or mis-
chicuous mind. And some
of them are, when a man
without any colour of law
stealeth the goods of an or
ther amounting to the va-
lue of xij. pence or more,
that is *Larceny*: But if
anie approcheth the per-
son of another in the high
way,

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way, and robbeth him of his goods, although it bee to the value but of one penny, it is felonie, & that is called robberie, and therefore he shalbe hanged.

231 Fieri facias.

Fieri facias, is a writ iudiciall, and it lieth where a man recouereth debte or dammages in the Kinges Court, then he shal haue this writ to the shirife, commanding him that he leue the debt and damages of the goods of him against whom the recovery is had and it lieth alwaies within a yere & a day, & after the yere he must sue a scire facias, & if hee be warned, & doth not come at the day &c. or if hee come, & can say nothing, then he which recouereth shal haue a writ of fieri facias directed to the shirife, that he make him haue executiō of iudgmēt.

But if a man recouer against a woman & she take a husband within the yere & the day, then he that shal recouer must haue a scire facias against the husband.

So it is if an Abbot or Prior recouer & dieth his

chimin, & luy robba de ses biens, mesque ils ne sont forsque al value de vn denier, il est felonie, & ceo est appeal robberie, & pur ceo il serra pendu.

Fieri facias.

Fieri facias est vn briefe iudiciall, & gist l'home recouera debte ou dammages in Court le Roy, donques il auera cest briefe al vicount luy commandant que il leue le debt & les dammages des biens celuy vers que le recouerie est eue, & gist toutes foutes deins l'an & iour, & apres l'an luy couient de suer vn Scire facias, & sil soit garne, & ne vient al iour &c. ou sil vient & ne scauoit rien dire donques celuy que recouera auera briefe de Fieri facias direct al vicount que il face luy auer execution de iudgement.

Mes si home recouera vers vn feme & el prist baron deins l'an & le iour donques il couient que cesty que recouera auera Scire facias vers le baron.

Auxy est si Abbot ou Prior recouer & deuie, son
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successor deins lan auera
Scire facias. Vide de ceo
 plus in la title *Scire facias*,
 & title Execution.

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Fine.

Fine ascun foits est prise
 pur vn somme dargent
 quel ascun est de payer al
 roy pur ascun cōtempt ou
 offence com nit p luy: quel
 fine, chescun que commit
 ascū trespas ou que est cō-
 uict, que il fausement deny
 son fait, ou fesoit asc' cho-
 se en contempt del Roy,
 paiera al Roy quel est ap-
 pell Fine al Roy. Ascun
 foits Fine est prise pur vn
 small concorde, quel est
 ewe enter ascuns persons
 touchant ascun terre, ou
 rent ou auter chose, dont
 ascun suit, ou briefe est en-
 ter eux pendant en ascun
 court, quel poit este in di-
 uers maners. Lun est quant
 lun partie reconust ceo
 este le droit del auter com
 ceo q'il eit del done cestuy
 que fesoit le reconusans,
 quel toutes foites suppose
 vn feoffement precedent
 & est dit Fine execute, ou
 si il reconust ceo deste le
 droit del auter omittant
 les parols (come ceo que

successor within the peere
 shal haue *scire facias*. See
 therof more in the title *sci-*
re facias, & title Execution

Fine.

Fine sometimes is takē for
 a summe of money which
 one is to pay to the king
 for any cōtempt or offence
 done by him: whi. h fine es-
 uery one that cōmitteth as-
 ny trespas, or y hee is con-
 uicted, y hee falsly denieth
 his owne deede, or did any
 thing in contempt of law,
 shal pay to y king: which
 is called fine to the king.
 Somtime a Fine is takē
 for a final agreemēt whi. h
 is had betwen any persōs
 cōcerning any land or rēt,
 or other thing wherof any
 suit or writ is betwen thē
 hāging in any court which
 may be diuerswaies. One
 is whē one party reknow-
 ledgeth y to be the right of
 the other, as that y he hath
 of the gift of him y made
 that recognisance, which
 alwaies supposeth a feoff-
 mēt going before, & is cal-
 led a fine executed. Or if he
 acknowledgeth y to be the
 right of another omitting
 these words (cōc ceo que

il eit de son done) which being a fine vpon acknowledging of right only, if it bee leuied to him which hath the freehold of y^e land is a fine vpon a release. And if he that acknowledged it, is seised, and hee to whō it is leuied hath not the freehold of y^e land, thē it is caled a fine executory, which he to whō the land is acknowledged may execute by Entre or Scire fac.

And somtime such a fine sur conusans d' droit only is to make a surrender: Therin is rehearsed that the reconusor hath an estate for life, & the other a reuersiō.

And somtime it is taken to passe a reuersion, where a particular estate is recited to be in another, & that the reconusor wil that the other shal haue y^e reuersiō, or y^e the land shal remaine to another, after the particular estate spent.

And somtime he to whō y^e right is acknowledged, as that that he hath of the gift of the reconusor, shall yeeld the land, or a rēt out therof to y^e reconusor, And that somtime for the whole

il eit de son done) quel esteant fine sur conusans de droit tantum, si soit leuy a cestuy que eit le franktenement del terre est Fine sur release. Et si cestuy que ceo conust est seisie, & ceuy a que est leuy neit le franktenement del terre, donques est dit fine executorie, quel cestuy a que le terre est conus poit executer per Entre ou per Scire facias.

Et ascun foites tiel fine sur conusans de droit tantum est pur faire vn surrender, lou en ceo est repeat, que le reconusor eit estate pur vie, & lauter en reuersion.

Et ascun foites ceo est ew de passer vn reuersion, lou particular estate est recite destre en auter, & que le reconusor voit que le auter auera le reuersion, ou que le terre remaine al auter apres le particular estate finie.

Et ascū foits celuy a q^{le} droit est conus, come ceo que il ad del done le reconusor, rēdra le terre, ou vn rēt hors de ceo al conusor, Et ceo ascun foites lentier

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fee.

The Exposition of

fee. Aſcun foites pur vn particular eſtate, oue remainder ou remainders ouſter. Et aſcun foites oue reſeruation del rents oue diſtres & graunt de ceo ouſter per meſme fine.

Et eſt appel fine quia per ceo le ſuit eſt determine, & ſi ceo ſoit recorde oue proclamation ſolonne le ſtatute 4. H. 7. ceo barre eſtrangers.

233 Fireboote.

Fireboote, eſt neceſſarie boys pur arder, quel per le common ley, leſſee pur ans, ou pur vie, poet prendre en ſon terre, nient obſtant il ne ſoit expreſſe en ſon leas, & nient obſtant il ſoit vn leas per parol tantum ſans fayte: Mes ſil priſt plus que beſoigne, il ſerra punie en waſt.

234 Fledwite.

FLedwite, hoc eſt quietuſſe de amerciamentis, cum quis vtlagatus fugitiuus veniat ad pacem domini Regis ſponte, velli-centiatus.

fee: ſometime for one particular eſtate, to remainder or remainders ouer: and ſometime with reſeruation of rents with diſtreſſe and graunt thereof ouer by the ſaid fine.

And it is called a fine becauſe thereby the ſuite is ended and if it be recorded with proclamation according to the ſtatute 4. H. 7 it barreth ſtrangers.

Fireboote.

Fireboote, is neceſſarie woode to burne, which by the common law, leſſee for yeeres, or for life, may take in his ground, although it be not expreſſed in his leaſe: and although it be a leaſe by word onely without wryting: But if he take more then is needfull, he ſhal be puniſhed in waſt.

Fledwite.

FLedwite, that is, to bee quite from amercements whē an outlawed fugitiue cometh to the kings peace of his owne will, or being licenced.

Flame.

235 Flemeswite.

Flemeswite, that is, that you may haue the cattel or amerciaments of your man or fugitiue.

236 Fletwit.

Fletwit, (or Flitwit) that is to be quite from contention and conuicts, and that you may haue plee therof in your Court, and the amerciamentes, for (Flit) in English, is Tensone in French.

237 Forrest.

Forrest is a place prouided by a royall authoritie, or by prescription, for the peaceable abiding and nourishment of the beastes or byrdes of the forrest, for the disport of the king: For which there haue bin in auncient time certaine peculier officers, lawes, and orders, part of which appeare in the great Charter of the Forrest.

238 Foriudger.

Foriudger is a iudgement giuen in a writ of Mesne brought by a tenant against the mesne Lord, which should acquite the tenaunt of seruices de-

Flemeswite.

Flemeswite, hoc est, quod habeatis catalla, siue amerciamenta hominis vestri fugitiui.

Fletwit.

Fletwit, (ou Flitwit) hoc est quietum esse de contentione & conuictis, & quod habeatis placitum inde in Curia vestra, & amerciamenta, quia (Flit) Anglice, est Tensone Gallice.

Forrest.

Forrest est vn lien prouidedge per authoritatem royallem, ou per prescription, pur le peaceable abode & nourishment del beastes ou oyseaus del forrest, pur le disport del Roy: Pur queux ount estre in auncient temps certaine peculier officers, leyes, & orders, part de queux appearont en le graunde Charter de le Forrest.

Foriudger.

Foriudger est vn iudgement done en vn brieve de Mesne port per vn tenant enuers le mesne Seignior que doit acquiter le tenaunt des seruices demandes

The Exposition of

mandes per le Seignior paramount de que le tene-
ment est tenu, & le mesme
ne voille appare, don-
ques iudgement sera done
que le mesme Seignior per-
dra son seignorie, & que
le tenant dillonques tien-
dra del Seignior para-
mount per tielx seruices
come le mesme tenoit de-
uant, & serroit discharge
del seruices queux il ren-
doit al mesme per le statut
de Westminster ij. cap. 9.
& ceo est appelle vn for-
iudger.

Et auxy si vn Attorney
ou autre officer en ascun
Court soit ouste & prohi-
bite de vser ceo, il est dit
estre foriudge le court.

239 Formedone.

Formedone, est vn briefe
& gist lou tenant en le
taile enfeoffa vn estrange,
ou est disseise, & deuie, le
heire auera bre de Forme-
done pur recouer le terre.
Mes sont trois briefes de
Formedones, Vn est en
le discender, & ceo est en
la case auantdit. Auxy si
vn done terre en le taile,
& pur default de issue le

manded by the Lord as
boue of whom the tene-
ment is holden, and the
mesme will not appare,
then iudgement shall be
giuen that the mesme lord
shal lose his seignorie, & y
the tenat from thenceforth
shall hold of the Lord as
boue by such suites as the
mesme helde before, and
shall be discharged of the
seruices which he yelded
to the mesme by the statute
of Westminster ij. cap. 9.
and that is called a for-
iudger.

And also if an attorney or
other officer in any Court
be put out & forbidden to
vse the same, he is said to
be foriudged the court.

Formedone.

Formedone, is a writ
and lyeth where tenant
in the taile infeoffeth an
estranger, or is disseised, &
dyeth, the heire shall haue
a writ of formedon to re-
couer the land. But there
be three maner of forme-
dones, One is in the dis-
cender, and that is in the
case before said. Also if
one giue lads in the taile,
and for default of issue the
res

remainder to an other in the taile, and that for default of such issue the land shall reuert to the donoz, if the first tenaunt in taile die without issue, he in the remainder shal haue a Formedone in the remainder. But if the tenant in the taile dye without issue, and he in the remainder also dye without issue, then the donoz or his heires shal haue a Formedon in the reuerter.

240 Forfall.

Forfall, that is to bee quite of amerciamentis and cattels arrested within your land, and the amerciamentis thereof coming.

241 Forstaller.

Forstaller is he that buyeth corne, cattell, or other marchandise whatsoever is saleable, by the way as it cometh to Markets, faires, or such lyke places to bee sold, to the intent that he may sell the same agayne at a more high and deere price, in preiudice and hurt of the

remainder a vn auter en le taile, & que pur default de tiel issue la terre reuertera al donour, si le premier tenant en le taile deuie sans issue, cestuy en le remainder auera vn briefe de Formedone en le remainder. Mes si le tenant en le taile deuie sans issue, & cestuy en le remainder auxy deuie sans issue, donques le donoz ou ses heires auera vn Formedone en le reuertter.

Forfall.

Forfall, hoc est quietum esse de amerciamentis & catallis arrestatis infra terram vestram, & amerciamenta inde prouenientia.

Forstaller.

Forstaller est celuy que achate blees, auers, ou auter marchandise quecunq; est vendible, per le chemin quant il vient al markets, faires, ou tiels seble lieux destte vende, al entent que il poit vender ceo auterfoits al vn plus hault & chare price, en preiudice & damage de le com-

The Exposition of

common weale & people &c.

Le penaltie pur ceux queux sont conuict de ceo, est le primer temps imprisonment pur deux mois, & perde de le value del chose vende.

Le second temps, imprisonment per le space de demy an, & perdra le double value des byens &c.

Le iij. temps, imprisonment durant le pleasure le Roy, & iudgement del pillorie, & forfeitera toutes ses biens & chattels. Vide le Statute 5. Edw. 6. capit. 14.

242 Fourcher.

Fourcher est vn deuise vse a delayer le plaintife ou demaundant en vn suit enuers deux, queux a ceo ne sont de responder tant que ils ambideux appeare, & le apparance ou essoine dun de eux voile excuser le default del auter a cel iour, & eux agreea que lun de eux solement serra essoine ou apperera al vn iour, & pur fault del apparance del auter auoit iour ouster de appearer, & le

common wealth and people &c.

The paine for such as are conuict thereof, is for the first time imprisonment for two monethes, and losse of the value of the thing sold.

The second time, imprisonment by the space of halfe a yere, and shall lose the double value of the goodes &c.

The third time, imprisonment during the kings pleasure, and iudgement of the pillorie, and shall forfeit all his goodes and cattels. See the Statute 5. Ed. 6. cap. 14.

Fourcher.

Fourcher is a deuise used to delay the plaintife or demaundant in a suit against two, which thereto are not to aunswere till they both appeare, and the apparance or essoine of one will excuse the others default at that day, and they agree that the one shalbe essoined or appeare one day, and for lacke of the apparaunce of the other, haue day ouer to appeare, and the other

other partie shall haue the same day, and at that day the other wil appeare or be essoined, and he that appeared or was essoined before, will not then appeare because he hopeth to haue another day by the adiournement of the partie which then appeared, this is called *Fourcher*, and in some cases the mischief thereby is remedied by *the statute of Gloucester cap. 10. & West. 1. ca. 42.* which be in the collection of statutes in the title *Essoine the 4. & 7.*

243 *Franches Roial.*

Franches roiall, is where the *Queene* graunts to one and his heires, that they shall be quite of toll, or such like.

244 *Free almes.*

Free almes, is where in auncient times landes were giuen to an *Abbot* and his *Couent*, or to a *Deane* and the *Chapiter*, and to their successors, in pure and perpetual almes without expressing any seruice certaine, this is *frankealmoigne*, and such are bounde before *God*

auter partie auera mesme le iour & a ceo iour l'auter voil apperer ou estre essoind & cestuy que denaunt appieroit ou fuit essoine ne voile donques apperer, pur ceo que il eseroit dauer auter iour p le adiournement del partie que donques appiert ou est essoine, ceo est appelle *Fourcher*, & en ascuns cases le mischief per ceo est remedie per le statute de Gloucester cap. 10. & Westminster 1. cap. 42. que sont en le collection des statutes title *Essoine 4. & 7.*

Franches Royal.

Franches Royal, est lou le *Roigne* graunt al vn & a ses heires que ils seront quite de tolne, vel huiusmodi.

Frankalmoigne.

Frankalmoigne, est lou en auncient temps terres fuerot dones a vn *Abbot* & son couent, ou a vn *Dean* & le chapter, & a leur successors in pure & perpetuall almoigne sauns expresse aucun seruice certaine, ceo est *frankealmoigne*, & ils sont tenus deuant dieu de

The Exposition of

de faire orysons & priers pur le donour & ses heires, & pur ceo ils ne ferront fealtie, & si tiels que ont terres in franke almoigne ne font ascun priers ne deuine seruice pur les almes le donour, ils ne ferront per les donours a ceo compelles, mes pur ceo ils poient complaine al Ordinarie, luy prayant que tiel negligēce ne soit pluis auant, & Lordinarie de droit ceo doit fait.

Mes si vn Abbe &c. ti-ent terres de sen Seignour pur certeine deuine seruice de estre fait, come, de chaunter chescun vendredie vn Masse, ou de faire aut chose certeine, si tiel deuine seruice ne soit fait le Seign' poit distreiner, & en tiel case labbe doit faire a le Seign', fealtie, & pur ceo il nest pas dit tenure in franke almoigne, mes tenure p deuine seru', car nul poit tener in frank alm', si soit exp'sse ascun certeine seruice.

245 Franke fee.

Tener en franke fee, est a tener en fee sim-

to make Orisons & pray-ers for the donour & his heires, & for that they do no fealtie, and if such that haue landes in frankealmoigne do make no pray-er nor deuine seruice for the soules of the donours, they shall not be compelled by the donours to do it, but for that they may cōplaine to the Ordinarie, praying him that such negligēce be no more after, & the Ordinarie of right ought to do it.

But if an abbot &c. holdeth lāds of his Lord for certein deuine seruice to bee done, as to sing euery Friday a Masse, or doe some other thing, if such diuine seruice be not done, the Lorde may distraine, and in such case the Abbot ought to doe fealtie to the Lorde, and therefore it is not said tenure in frāk almoigne, but tenure by diuine seruice, for none can hold by franke almoigne, if any certaine seruice bee expressed.

Franke fee.

To hold in franke fee, is to holde in fee sim-
p'is

ple lands pleadable at the common law, not in auncient demesne.

246 Free mariage.

Free mariage, is when a man seised of landes in fee simple, giueth it to an other man, and to his wife (who is the daughter, Sister or other wise of kinne to the donour) in free mariage, by vertue of which wordes they haue an estate in special taile, & shall hold the land of the donor quite of al maner of seruices until the fowerth degree be past, accompyting them selues in the first degree, except fealtie, which they shall doe, because it is incident to all tenures, sauving free almes. And such gift may be made aswel after mariage solempnyzed as before. And a man may giue lāds to his son in free mariage, aswell as to his daughter by the opinion of Master Fitzherbert in his writ of Champertie H.

But it appeareth otherwise in Master Littleton, and in Mast. Brook titulo Frankmariage pla. 10.

ple terres pleadable a la common ley, & nient en auncient demesne.

Frank mariage.

FRank mariage, est quant vn home seisie de terres en fee simple done ceo al auter home & a sa feme que est file, soer ou auterment de kin al donor, en frankmariage, per vertue de queux parolx ils ont vn estate en especial taile, & tiendra le terre del donor quite de tous maners de seruices tanq; le quart degree soit passe, accountans eux mesmes en le premier degree, sinon fealtie, queux ils fieront, pur ceo que il est incident a toutes tenures forsque frankalmoigne. Et tiel done poit estre fait sibien apres mariage solemnize, come deuant. Et home poit doner terres a son fites en frankmariage, sibien come a sa file, per le opinion de Master Fitzherbert en son brieve de Champertie H.

Mes il appiert auterment en Master Littleton, & en Master Brook titulo Frankmariage pla. 10.

Et

The Exposition of

Et issint il fuit tenus clere
 ē Graies Inne in Lent, An.
 1576. 18. Eliz. per le Wor.
 Master Rhodes donques
 lector la.

247 Franktenement

FRANKTENEMENT, est vn e-
 state que home ad en
 terres ou tenementes, ou
 profit a prendre en fee
 simple, taile, pur terme
 de son vie demesne, ou
 pur terme d'auter vie, en
 dower, ou per le curtesie
 Dengleterre. Et south ceo
 il ne est franktenemēt, car
 il que ad estate pur ans, ou
 tient a volunt, nad ascun
 franktenement, mes ils
 sont appelle chattels.

Et de franktenement il
 y ad deux sorts, cest asca-
 uoir, franktenemēt en fait,
 & franktenement en ley.

Franktenemēt en fait, est
 quant vn home ad entred
 en terres ou tenemts, & est
 seisie de ceo realmēt, actu-
 alment, & en fait: Sicome
 le pere seisie de terres ou
 tenemts en fee simple de-
 uie, & son firs enter en eux
 come heif a son pere, don-
 ques il ad vn franktenemēt
 en fait per son entrie.

Franktenemēt en ley, est

And so it is holdē clere in
 Graies Inne in Lēt, An.
 1576. 18. Eliz. by the wor-
 shipfull Master Rhodes,
 then reader there.

Freehold.

FREEHOLDE, is an Estate
 that a mā hath in lands
 or tenements, or profite
 to bee taken in fee sim-
 ple, taile, for terme of his
 owne life, or for terme of
 an others life, in dower,
 or by the curtesie of Eng-
 land. And vnder that,
 there is no freehold, for
 he that hath estate for
 yeares, or holdeth at will,
 hath no freehold, but they
 are called chattels.

And of freeholds there
 are two sorts, that is to
 say, freehold in deede,
 and freehold in law.

Freehold in deede, is
 when a man hath entred
 into lands or tenements,
 & is seised thereof reallie,
 actuallie, & in deede: As if
 the father seised of lands
 or tenements in fee simple
 dyeth, & his sonne entreth
 into y^e same as heire to his
 father, then he hath a free-
 hold in deed by his entrie.

Freehold in law, is
 when

H. 1576. 18. Eliz.

when lands or tenements are descended to a man, & he may enter into them when he wil, but hath not yet made his entry indecd, as in the case aforesaid, if the father being seised of lands in fee simple die seised, & they descend to his sonne, but the sonne hath not yet entered into them indeede, now before his entry he hath a freehold in law.

248 Freshsuit.

Freshsuit, is when a man is robbed, and the party so robbed, followeth þe felon immediatly, & taketh him with the manner, or otherwise, and then bringeth an appeale against him, & doth convince him of the felonie by verdict, which thing being inquired of for the Queene and founde, the partie robbed shal haue restitutio of his goods againe.

Also it may be said, that the partie made freshsuite, although he take not the theefe presentlie, but that it be halfe a yere, or a yere after the robberte done, before he bee taken,

quant terres ou tenemens sont descendus al vn hōe, & il poit enter en eux quant a luy plect, mes nad vncore fait son entrie en fait, come en le case auant dit, si le pere esteant seisie de terre en fee simple deuie seisie, & ils descendent a son fites, mes le fites nad vncore enter en fait en eux, ore deuant son entrie il ad vn franktenement en ley.

Freshsuit.

Freshsuit, est quant vn home est robbe, & le party issint robbe, pursue le felon immediatment, & luy prist oue le maner, ou autrement, & donques port vn appeale enuers luy, & luy convince del felonie per verdict, le quel chose esteant enquire pur le Roigne & troye, le partie robbe auera restitution de ses biens arer.

Item il poit este dit, que le partie fait Freshsuit, nient obstāt que il ne prist le felon presentment, mes que il soit demy an ou vn an apres le robberte fait, deuant que il soit prise,

O. j.

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si soit issint que le partie
robbe fait tant que en luy
est, p diligent enquirie &
serch de luy prender, nient
obstant q il est prise per vn
auter home, vncore ceo
ferra dit bone freshsuit.

Et issint freshsuit est
quant le Seignior vient
pur distreiner pur rent ou
seruice, & le owner des
beastes fait rescous, & en-
chase eux en auters terre
que nest tenu del seigni-
our, & le seignior ensue
presentmēt, & reprist eux,
cest appel freshsuit. Et
issint en auter semblables
cases.

if so bee that the partie
robbed doe what lyeth in
him, by diligent inquirie &
search to take him, yea al-
though he be takē by som
other body, yet this shalbe
said fresh suit.

And so fresh suit is whē
the Lord cometh to dis-
straine for rent or seruice,
& the owner of the beasts
doth make rescous, and
driveth them into others
ground that is not holdē
of the Lord, and the Lord
followeth presently & ta-
keth them, this is called
fresh suit. And so in other
like cases.

G.

249 Gager de deli-
uerance.

Gager de deliuerance
est, lon vn sua Reple-
uin de biens prise, mes il
nad deliuerie des biens, &
lauerauowa, & le plain-
tife monstra que le de-
fendant est vncore pos-
sesse des biens &c. & pria
que le defendant gagera
deliuerance, donques il
mittera eins suertie ou
pledge pur le redeliue-

G.

Gager de deliue-
rance.

Gager de deliuerance, is
where one sueth a res-
pleuine of goods taken,
but he hath not the deli-
uery of the goods, and the
other auoweth, and the
plaintife sheweth that the
defendant is yet possessed
of the goods &c. and pray-
eth that the defendant
may gage the deliuerance,
then he shal put in suertie
or pledges for the deliue-
rance,

Termes of the Law.

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face, & a writ shal go forth to the Shirife for to redeliuer the goods &c. But if a man claime property, he shal not gage deliuerance.

Also if hee say that the beasts be dead in y^e pound, he shal not gage &c.

Also a man shall neuer gage the deliuerance before that they be at issue, or demurrer in the lawe, as it is said,

rance, & vn briefe issira al Vicount pur redeliuerer les bñs &c. Mes si home claime propertie, il ne gagera deliuerance.

Auxy sil dit q^{ue} les atiers sont morts en le pound, il ne gagera &c.

Auxy home ne gagera iammais le deliuerance auant q^{ue} ils soyent a issue, ou demurrer en ley, vt dicitur.

250 Garrantie of Charters:

Garrantie of charters, is a writ, & it lieth where any deed is made y^e cōpre- hēdeth a clause of warrā- tie, y^e is to say, dedi or cō- cessi, or this word warrā- tizabo, & if y^e tenant be im- pleaded by a stranger, if it be in assise or such action wher he may not vouch to warrantie, then hee shall haue this writte against his fesso^r or his heire, & if the land bee recouered a- gainst him, he shall reco- uer as much lād in value against him that made the warrantie. But this writ ought to be sued hanging the first writ against him,

Garrantie des charters.

Garrantie des charters, est vn briefe, & gist lou aucun fait est fait que comprehend clause de garrantie; cest a sauoir de- di ou concessi, ou cest parol Warrantizabo, & si le tenant soit implede per vn estraunge si soit en As- sise ou tiel action lou il ne poit vouch a garrant, donq; il auera cest briefe vers son feoffor ou son heir, & si le terre soit reco- uer vers luy, il recouera tant del terre en value vers cesty que fust le gar- ranty. Mes cest briefe co- uient este sue pendaunt le primer briefe vers luy,

O. ij.

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The Exposition of

ou autrement il ad parde son auantage.

Auxy sur garrantie en ley, come sur homage ancestrel, ou sur rent reserue sur lease a terme de vie, ou done en le taile home auera brief de garrantie de charters, mes nemy sur eschange.

251

Garrantie.

Garrantie, est en trois manners. s. garrantie lineal & garrantie collateral, & que comence per disseisin.

Garrantie lineal est lou home seise en fee ou en taile, fait feoffement per son fait a vn auter, & oblige luy & ses heires a garrant, & ad issue fits & morust, & le garrantie discend a son fites, ceo est lineal garrantie, pur ceo que si nul fait oue garrantie vlt este fait, donques le droit des terres discenderoit al fites come heire son pere & il conueyeroit le discent de le pere a le fites. Mes si tenat en le taile discontinua

or else he hath lost his advantage.

Also vpon a warrantie in \bar{h} law, as vpon homage ancestrel, or vpon rent reserued vpo a leas for term of life, or a gift in the taile, a man shall haue a writ of warrantie of charters, but not vpon eschange.

Garrantie.

Garrantie, is in three manners, \bar{h} is to say, garrantie lineal and garrantie collateral, and which beginneth by disseisin.

Garrantie lineal is where a man seised in fee or in taile, maketh a feffement by his deed to another, & bindeth him & his heires to warrantie, & hath issue a sonne & dieth, and the warrantie discendeth to his sonne, that is lineal warrantie, for \bar{h} that if no deede with warrantie had bin made, the the right of the lands should haue discended to \bar{h} sonne as heir to his father and he shal conuey the discent from the father to the sonne. But if the tenant in the taile discontinua
the

the taile, & hath issue & dyeth, & the vncl of the issue releaseth to the discontinuue with warrantie &c. & dieth without issue, that is a collaterall warrantie to the issue in the taile, for that, that the warrantie descendeth vpon the issue, the which may not conuey him to the taile by meane of his vncl. And in euery case where a mā demandeth lands in fee taile by writ of Formedon, if any of the issue in the taile which hath possession, or which hath not possession maketh a warrantie, and he that sueth the writte of Formedon may by possibilitie by matter that may be done, might conuey to him title by force of the gift by him that made the warrantie &c. that is then a lineall warrantie, and by such a lineall warrantie, the issue in the taile shall not be barred, except that he haue assents to him descended: But if hee may not by no possibilitie that may be conuey to him title by force of the gift by him that made the warrantie,

le taile, & ad issue & deuie, & luncle del issue releffa al discontinuue oue garrantie &c. & morust sauns issue, ceo est collateral garrantie al issue en le taile, pur ceo que le garrantie discende sur le issue, le quel ne poit soy conueyer a le taile per le meane de son vncl. Et en chescun case lou home demaunda terres en fee taile per brieve de *Formedon*, si ascun auncester del issue en le taile que auoit possession, ou que n'auoit possession fait vn garrantie, & cesty que sua le brieve de *Formedon* poit per possibilitie per matter que pouloit este fait pouloit conueier a luy title per force del done per celui que fist le garrantie &c. ceo est donques vn lineal garrantie, & per tiel lineal garrantie, le issue en le taile serra barre, sinon que il ad assents a luy descendus en fee simple: Mes si il ne poit per nul possibilitie q̄ poit este conueyer a luy title per force del don per celui que fist le garrantie,
O.iiij. donques

The Exposition of

donques ceo est vn collateral garrantie, & per tiel collateral garrantie, le issue en le taile sera barre sans aucun assets. Et le cause que tiel collateral garrantie est vn barre al issue en le taile, est pur ceo que tous garranties deuant le statute de Gloucester, queux descendant a ceux queux sont heires a eux que fesoient les garranties, seront barres a mesme les heires a demander aucun terres, forsprise les Garranties que commence per disseisin, & pur ceo que le dit estatute ad ordeine que le garrantie del pere ne sera barre a son fites pur les terres que veigne del heritage le mere, ne garrantie le mere ne sera barre al fites pur les terres que veigne del heritage de pier per le statute 11. H. 7. c. 20 & null de les statutes ad fait ne ordeine remedie encounter le garrantie que est collateral al issue en le taile, & pur ceo le garrantie que est collateral al issue en le

then that is a collateral warrantie, and by such a collateral warrantie, the issue in the tail shalbe barred without any assets. And the cause that such a collateral warrantie is a barre to the issue in y tail, is for that, that al warranties befoze the statute of Gloucester, which descended to the which be heires to them y made the warranties were barres to the same heires to demand any lands, except the warranties that began by disseisin, & for that, that the said statute hath ordeined that the warrantie of the father shall be no barre to his sonne for the landes which come of the heritage of the mother, nor the warranty of the mother shalbe no barre to the sonne for the landes which come of the heritage of y father, by the statute 11. H. 7. c. 20. & none of the statutes, hath made nor ordained remedie against the warrantie that is collateral to y issue in the taile, & therefore the warrantie that is collateral to the issue in the taile

taile, is yet in his force, & shalbe a barre to the issue in the taile, as it was before the statute. Also it be-
houeth that all warrāties whereby any heire shall be barred, that the warrantie descend by the course of the common law, to him which is heire to him that made the warranty, or else it shal be no barre, for if the tenant in the taile, of landes in borow English, where the pongest sonne shall inherite by the custome discontinued the taile, and hath issue ij. sonnes, and þe bucle releaseth to the discontinued with warrantie and dieth, and the ponger sonne bringeth a Formedon, yet hee shall not be barred by such warrantie causa qua supra. Also if a-
nie man make any deede with warrantie whereby his heire should be barred and after he that made the warrantie be attaint of felony, then his heire shall not be barred by such warrantie, for þat such warrantie might not descend vpon him, for that that the bloud is corrupt.

taile, vncore est in sa force & serra barre al issue en le taylor, come il fuit deuant lestatute, Auxy il couyent que toutes garranties, per que ascun heire serra barre, que le garrantie descend per course del common ley a celuy que est heire a luy que fist le garrantie, ou autrement il ne serra barre, car si le tenaunt in le taile des terres in borow English, lou le puisne fites inherite per la custome discontinued le taile & ad issue deux fites, & luncle releas al discontinued oue garrantie & deuye, & le puisne fites porte Formedon, vncore il ne serra barre per tyel garrantie, causa qua supra. Auxy si ascun home fait ascun fait oue garrantie, per quel son heire serroit barre, & puis cestuy que fist le garrantie soyt attaint de felonie, donques son heire ne serra bar per tyel garrantie, pur ceo que tyel garrantie ne puit descendre sur luy, pur ceo que le sanke est corrupt.

O.iiij

Garrantie

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Garrantie commenceant p disseisin, est si le firs purchase terre, & puis leissa le terre a son pier pur terme dans, & le pier per son fait de ceo enfeoffa vn estrange, & oblige luy & ses heires a garrantie, & le pier deuie, per quel le garrantie discende al fites, vncore cest garrantie ne barre my le fites, mes le fites bien puit entre nient obstant cel garrantie, pur ceo que cest garrantie commensast per disseisin, quant le pier fist le feoffement que fuit vn disseisin al fites, & come est dit de le pier, issint puit este dit de chescun auter auncestour. Et mesme le ley est si launcestour soit tenaunt per Elegit, ou per statute marchand, & fait ascun feoffement ouc garrantie, tiels garranties ne ferront barres, pur ceo que ils commenceont per disseisin.

252 Garrantie.

Garrantie, est quant vn est lye al auter que ad terre de garrant le terre a luy, le quel poit commence per deux meanes.

Garrantie beginning by disseisin, is if y some purchase lands, and after let the lands to his father for terme of yeares, & y father by his deede enfeoffeth a stranger, & bindeth him & his heires to warrantie, & the father dieth, whereby the warrantie descendeth to the sonne, yet this warrantie shall not barre the sonne, but the sonne may wel enter notwithstanding his warranty, for that that this warrantie began by disseisin when the father made the feoffement which was a disseisin to the son, and as it is said of the father, so it may be said of euery other ancestour And the same lawe is, if the auncestour bee tenaunt by Elegit, or by statute marchand, and make a feoffement with warrantie, such warranties shall bee no barres, because they begin by disseisin.

Garrantie.

Garrantie, is when one is bounde to another which hath lande, to warrant y land to him, which may begin two waies s. by

by deede of lawe, As if one & his aunccestors hath held land of an other and his aunccestors time out of mind, by homage, which is called Homage aunccestrel: Or by deede of the partie which graunteth by deede or fine to the tenant of the land to warrant it to him: vpon which warrantie if the tenant be impleaded by hym which ought to warrant, or his heires, the tenant shall barre the demandant by pleading of the warrantie against him, which is called Rebutter: Or if he be impleaded by an other in an action, wherein he may vouch, he shall vouch him which warranted, or his heires, and if the plaintife recouer, the tenant shall recouer in value against the vouchee.

253

Gard.

Ward, is when an infant whose aunccestor helde by knights service, is in the ward or keeping of the Lord, of whom those landes were holden. And if the tenant hold of dyuers Lordes dyuers

per act del ley: come si vn & ses aunccestors oune tenu terre del auter, & ses aunccestors per temps dont memorie ne curt, per homage, que est appelle Homage aunccestrel: Ou per lact del partie que graunta per fait ou fine al tenant del terre de garrant ceo a luy: sur quel garrantie si le tenant soit impleade per luy que doit garrant, ou ses heires, le tenant barrera le demaundaunt per pleader del garrantie vers luy, que est appelle Rebutter: Ou si soit implead per auter en action, en que poit vouch, il vouchera cestuy que garrant, ou ses heires, Et si le plaintife recouer, le tenant recouera en value vers le vouchee.

Gard.

Gard, est quant vn enfant que aunccestor tient per service de chivalrie, est en le garde & custodie de le Seignior de que ils fueront tenus: Et si le tenant tient de dyuers Seygnours dyuers terres,

The Exposition of

terres, celui Seignior de que il tient per priorite, cestascavoir, per le plus auncient tenure, auera le garde del enfant: Mes si vn tenure soit auxy auncient que le auter, donques celui que primes happa le gard de le corps gardera ceo: Mes en ceo case chescun Seignior auera le garde del terre que est tenu de luy. Mes si le tenaunt tient ascun terre del Roigne en chiefe, donques le Roigne per sa Prerogative auera le garde del corps, & de tout le terre que est tenu de luy, & de chescun auter Seignior.

Auxy sont diuers briefes de Garde, vn est briefe de Droit de gard, & gist lou le tenaunt deue, son heire deins age, & vn estrange entra en le terre, & happa le gard de le corps de lenfant.

Briefe de Eiectment de garde gist lou home est ouste de la garde de terre sauns le corps de le enfant.

Briefe de Rauishment de

lands, the Lord of whom the land is holden by priority, that is to say, by the moze elder tenure, shal haue the wardship of the infant: But if one tenure be as olde as the other, then he that first happeneth to haue the ward of the bodie shal keepe it: But in that case euery Lord shal haue the ward of the land that is holden of him. But if the tenant hold any land of the M. in chiefe, then she by her Prerogative shal haue the ward of the bodie, and of all the land that is holden of her, and of euery other Lord.

Also there bee diuers writs of ward, one is a writ of Right of ward, and that lyeth where the tenant dyeth, his heire within age, & a stranger entreth into the land, and hapneth to haue the ward of the bodie of the infant.

A writ of Eiectment of ward lyeth where a man is put out of the ward of the land without the bodie of the infant.

A writ of Rauishment of ward

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ward lyeth where the bodie is taken from him only, and not the land.

254 Wardeine.

WArdeine, or Gardeine most properly is hee that hath the wardship or keeping of an heire, and of hys land holden by knights service, or of one of them to his owne vse, during the nonage of the heire, & within that time hath the bestowing of the bodie of the heire, in marriage at his pleasure, without disparagement.

And of Wardens there be two sorts, namely, gardeine in right, & gardein in deede.

Gardein in right, is he that by reason of his seignory is seised of his wardship or keeping of the lād, and of the heire, during the nonage of the heire.

Gardein in deede, is where the Lord after his seisin, as aforesaid, graunteth by deede, or without deede, the wardship of the land, or of the heire, or of both to another, by force of which grant, the grantee is in possession, then is the

gard gift lou le corps est prise de luy solement, & nient le terre.

Gardeine.

GArdeine, ou Gardeine plus properment est ce-luy que ad le garde ou custodie dun heire, & de son terre tenus per seruice de chivalrie, ou de vn de eux a son vse demesne, durant le nonage del heire, & deins cest temps ad le bestowing del corps del heire, en mariage al son volunt sans disparagement.

Et de gardeines il y ad deux sortes, noismement, gardein en droit, & gardein en fait.

Gardein en droit, est ce-luy que per reason de son seignorie est seisie del gardship ou custodie del terre, & del heire, durant le nonage del heire.

Gardein en fait, est lou le Seignior apres son seisin, come auantdit, granta per fait, ou sauns fait, le gardship del terre, ou del heire, ou dambideux a vn auter, per force de quel graunt, le graunttee est en possession, donques est le graunttee

The Exposition of

grauntee appelle gardein en fait.

Et cest gardein en fait poit graunt le heire al auter auxy: Mes cest auter nest propermēt appel gardein en fait, car ceo est le grauntee del gardein en droit solement.

Mes le gardein en so- cage ad le profit solement al vse del heire iescue il ad accomplish lage de xiiij. ans, & rendra pur ceo ac- compt al heire. Vide plus de ceo Littleton lib. 2. cap. 4. & 5. Et Stamford sur statute de Prerog. cap. 1. 2. & 6.

255 Garnishment.

Garnishment est, sicome vn action de detinue des charters est port vers vn, & le defendaunt dit, que les charters fueront deliuer a luy per le plain- tife & per vn auter sur certain conditions, & prie que l'auter soit garnie de pleader oue le plaintife si les conditions sont per- imples ou nemy, & sur ceo vn brieve de Scire faci- as issira vers luy, & ceo est appelle Garnishment,

grauntee called gardein in deede.

And this gardein in deed may graunt the heire to an other also: But that other is not properlie called Gardein in deede, for that is the grantee of the Gar- dein in right onely.

But the gardein in so- cage hath the profit onely to the vse of the heire, vn- till he accomplish the age of xiiij. yeares, and must yeeld therfore an account to the heire. See more hereof Littleton lib. 2. cap. 4. and 5. And Stamf. vpon the statute of Prero- gative cap. 1. 2. and 6.

Garnishment.

Garnishmēt is, if an ac- tion of detinue of char- ters be brought against one, & the defendaut sayth, that the charters were de- liuered to him by h^e plain- tife & by an other vpon cer- tain conditions, & prayeth that the other may be war- ned to pled with the plain- tife if the conditiōs be per- formed or no, & thereupon a writ of Scire facias shall go forth against him, and that is called Garnishmēt, and

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III

and the other when hee commeth shal plede with þe plaintife, and that is called enterpleder.

256 Gauelet.

GAuelet, is a special and auncient kinde of Cessavit vsed in Kent where the custome of Gauekind continueth: whereby the tenaunt shall forfeite his landes and tenements, to the Lord of whō they are holden if he withdraw fro his Lord his due rents & seruices, after this maner as followeth.

If any tenaunt in Gauekind, withhold his rēt and his seruices of the tenement which he holdeth of his Lord, let the Lord seeke by the award of his Court from thzee weekes to thzee weekes, to finde some distres bypon the tenemēt vntill the iij. court, alwayes with witnesses. And if within that time, he can find no distres in that tenement, whereby he may haue Justice of his tenāt, Then at the iij. Court let it be awarded, that he shal take that tenemēt into his hand, in the name of a dis-

& lauter quaunt il vient eins pledera oue le plaintife, & ceo est appel enterpleder.

Gauelate.

GAuelate, est vn special & auncient kind de Cessavit vsed en Kent ou le Custome de Gauekind continue, per quel le tenaunt forfeitera ses terres & tenements al Seignior de que ils sont ten^r, sil detaine de son Seignior ses due rents & seruices, solong; cest maner que ensuiuit.

Si ascun tenaunt en Gauekind retaine sa rent, & ses seruices de le tenement que il tyent de son Seignior, querge le Seignior per agarde de sa Court, de trois semaines en trois semaines, de trouuer distresse sur cel tenement ielsque a le quart court, a toutes foites per tesmoignes. Et si deins cel tēps ne trouue distresse en cel tenement, per queux il puisse son tenant iusticer, Donq; a la quart Court soit agarde que il preigne cel tenement en sa maine, en nosme de distresse

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stresse, auxy come fuit Boefe ou Vache, & le ti-ent vn an & vn iour, en sa maine, sans maine ouer- rer, deins quel terme, si le tenaunt vient, & ren- de ses arrerages, & fait reasonables amendes de la deteiner, adonc eit, & ioyse son tenement, sicome ses auncestours & luy auant tiendront. Et si il ne vient deuant le an & le iour passe, donc auage le Seignior al procheyne County Court suyant oue tesmoynes de sa Court, & face la pronuncier cel processe pur tesmoynage auer, & per agarde de sa Court (apres ceo Coun- tie tenue) entra & mey- nouera en cels terres & tenementes, sicome en son demesne. Et si le tenaunt vyent apres, & voyler reauer ses te- nementes, & tener si- come il fist deuant, face gree al Seygnior, si- come il est auncientment dist.

Neghe sith selde, & neighe sith gelde, & v. li.

stresse, as if it were an ore or a cow, & let him keepe it a yere & a day in his had without manuring it: within which terme if the tenaunt come and pay his arrerages, and make rea- sonable amendes for the withholding, then let him haue and enioy his tene- ment as his auncestors, and he before held it: and if he doe not come before the yere and the day past, the let the Lord goe to the next Countie Court with his witnesse of his owne Court, & pronounce there this processe to haue fur- ther witnesses, and by the awarde of his Court, (af- ter the Countie Court hol- den) he shal enter and ma- nure in those landes and tenements as in his own. And if the tenant come af- terward, and will rehaue his tenements, and holde them as he did before, let him make agreement with the Lorde, according as it is aunciently said.

Hath hee not since any thing giuen, nor hath hee not since anie thing paid: Then lette him pay v. li. for

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for his were er befoze hee
become tenaunt or holder
again. See hereof 10. H.
3. Fitz. Cessavit 60. and Sta-
tute 10. E. 2. of Gauelet
in London, In in Col-
lection of statutes London
2. matter much tending to
this purpose, that by this
word Gauelet the Lorde
shall haue the land for the
ceasing of the tenant. And
see W. 2. cap. 21. which gi-
ueth Cessavit.

There be some copies
that haue the first Verse
thus witten.

Nisith yelde, and nisith
gelde.

And others thus.

Nighesith yeld, & nigh-
sith geld.

But these differ not in
signification, other copies
haue it after this sort.

Nigondsith seld, and ni-
gondsith geld.

That is to say, let him
ix. times pay, and ix. times
repay.

257 Gauekinde.

Gauekinde, is a custome
annexed, and going
with landes in Kent cal-
led Gauekinde landes hol-
den by ancient Socage re-

for the were, er hee
become healden. Vide
de ceo 10. Hen. 3. Fitz-
herb. Cessavit 60. & Sta-
tute 10. Ed. 2. de Gaue-
let en London, en le Col-
lection del statutes Lon-
don 2. matter tendant
mult a cel purpose que per
cel parol Gauelet le Seig-
nour auera le terre, pur
cesser le tenaunt. Et vide
Westm 2. cap. 21. que do-
ne Cessavit.

Il y ad ascuns copies
que ad le primer Verse il-
sint escript.

Nisith yelde, and nisith
gelde.

Et auters issint.

Nighesith yelde, and
nighesith geld.

Mes ceux ne differ en
signification, auter copies
ont ceo solong; cest sort.

Nigondsith seld, &
nigondsith geld.

Cest assauoir, paiera il
nouies foies, & nouies
foies repay.

Gauekinde.

Gauekinde est vn cu-
stome annex & cur-
rant oue fies en Kent ap-
pel Gauekinde terres te-
nus en ancient Socage re-
nure,

The Exposition of

nure. Et est pense per les erudite en Antiquities, deste appel Gavelkinde de Gyue al kin, cest adire a toutes les kinne en vn line, accordant come est vse enter les Germans, de que nous Anglois, & especialment de Kent venomus. Ou il est appell Gavelkinde de Gyue al kinde, cest adire al toutes les males, car kinde en Dutch signifie vn male. Et diuers auters semble coniectures sont fait per eux de le nosme (Gavelkind) le quel ieo omit de purpose pur breuitie.

Les plus vsual customes de eux sont, que le terre est diuidable enter les heires males, & que le heire al age de xv. ans poit done & vende sa terre, & serra inherite, coment son pere soit attaint & pendue pur felonie, & sa feme serra endowe del demy del terre, dont son baron deuie seisie, & le baron serra tenant per le Curtesie del demy, coment ne auoit issue per sa feme: mes le estate del baron & feme cease per leur second ma-

nure. And is thought by the skilful in Antiquities, to be called Gavelkind of Gyue al kin, that is to say, to all the kindred in one lyne according as it is vsed among the Germans, from whom wee Englishmen, and chiefly of Kent come. Or els it is called Gavelkinde of Gyue all kind, that is to say, to all the male children, for kind in Dutch signifieth a male childe. And diuers other like coniectures are made by them of the name (Gavelkind) which I omit of purpose for shortnes sake.

The most vsual customes of them are, that the land is diuidable betwen the heirs males, & that the heir at the age of xv. yerres may giue & sell his land, & shal inherite, although his father be attainted & hanged for felonie, & his wife shalbe indowed of half the land, wherof her husband died seised, & the husband shalbe tenat by the Curtesie of the half although he haue no issue by his wife, but the estate of the husband & wife ceaseth by their marriage.

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riage. And diuers others
customs are vsed in ~~the~~
of landes in Gauekind,
for which see the Perambulation of Kent, made by
M. Lambert. For which
cause the residue I will
omit as vnnecessarie for
this booke, and intreated
of largely in the said Perambulation.

258 Gelde.

Gelde, that is to be quite
of seruile Customs
which were wont to be gi-
uen, and are yet giuen, as
hornegeld and such like.

259 Graund Cape.

Grand Cape, looke there-
fore after in the title
Petit Cape.

260 Graund Seriantie.

Grand Seriantie is, where
a man holdeth of the
king certaine land by the
seruice of carying his bā-
ner or launce, or to lead
his hoste, or to be his car-
uer, or butler at his Co-
ronation, & that is most
honorable seruice & most
worthy that a tenant may
doe, and for that it is cal-
led graund serianty. But
petit seriantie is whē one

riage. Et diuers autres
Customes sont vses en
Kent de terres en Gaue-
kind, pur queux veies le
Perambulation de Kent, fait
per Master Lambert. Pur
quel cause le residue ieo
voile omit come imperti-
nent a cel lieur, & intreat
amplement en le dit Per-
ambulation.

Gelde.

Gelde, hoc est quietū esse
de cōsuetud' seruilibus
quę quondā dari cōsueue-
rūt & adhuc dāt, cōe hor-
negeld & hys similibus.

Graund Cape.

Grand Cape, Vide de
ceo apres title Petit
Cape.

Graund Serianty.

Grand Serianty est lout
vn hōe tiēt de roy cer-
tein terres per le seruice de
porter son bāner ou laūce,
ou amesner son hoste, ou
destre son caruer ou but-
teler a son coronment &
tiels sembl', & ceo est la
pluis honorable seruice &
pluis digne, que le tenant
poit fair, & pur ceo ē ap-
pel graund Serianty, Mes
petit Serianty est quant vn
tient

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tient de Roy rendant aluy annuement vn arke, vn coteau, vn launce, & tiels sembl', & ceo nest forsq; socage en effect, mes hōe ne poit tener in graund serieanty ne per petit serieanty sinon de roy. Auxy si tenaunt per graund serieantie morust son heire esteant de pleine age, le heire paiera al Roy pur reliefe le value des terres ouster les charges que il pay al Roy p grand serieantie: mes cestuy que tyent p Escuage paiera pur son relief forsq; C.s.

Auxy ceux que sont en le Marches de Scotland, que tient del roy per Cornage, cest est, pur ventiler vn cornu quant les Scots entrent en Angleterre, sont tenants p grand serieantie.

Auxy ou vn home tient de Roy pur trouer vn home en sa guerre deins le Realme, cest est dit graund Serieantie, pur ceo, que il est fait per corps dun home. Et si le tenaunt ne poit trouer home de faire ceo, donques il est tenu de faire ceo luy mesme.

holdeth of the King, payyng to him yearly a bow, a sworde, a speare, and such like, and that is but Socage in effecte, but a man canot hold in grand serieantie or by petit serieantie but of the king. Also if a tenāt by grand serieantie dieth his heire being of ful age, & heire shal pay to the king for reliefe the value of the lāds ouer the charges that he payeth to the king by graund serieantie: but hee that holdeth by Escuage shal pay for his reliefe but C.s.

Also those that bee in the Marches of Scotlande, that holdeth of the king by Cornage, that is to blow an horne whē the Scottes enter into England, are tenāts in grand Serieantie.

Also where a man holdeth of the King for to find a man in his warres within the Realme, that is called graund Serieantie, for that, that it is done by a Mans bodie: And if the tenaunt cannot find a mā to doe it, then he is bound to do it himselfe.

And

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And hee that holdeth by graund Serieantie holdeth by knights seruice, and the King shall haue, warde, marriage & relief, but not of them that holdeth by petit Serieantie, but the king shal not haue of the that hold by grand serieantie, escuage, except that they hold by escuage. So they y hold by grand serieantie or escuage hold by knights seruice. But one may holde by graund serieantie & not by escuage, & by Escuage and not by grand serieantie: And the knights seruice alwayes draweth to him warde, marriage and reliefe.

Et il q tient per grand serieantie tient per seruice de chivaler, & le Roy auera garde, mariage & reliefe, mes nemy de ceux que tient per petite Serieantie, mes le Roy n'auera de eux que tient per grand Serieanty escuage, sinon que ils tient per Escuage. Issint ceux que tiennent per graund Serieantie ou Escuage tient per seruice de chivaler. Mes vn poit tener per graund Serieantie & nemy per Escuage, & per Escuage & nemy per graund Serieantie. Et le seruice de chivaler teutes foites treit a luy gard, mariage, & relief.

261 Grithbrech.

Grithbrech, that is the kings peace broke, because (Grith) in English is Pax in Latine.

Grithbrech.

Grithbrech, hoc est pax domini Regis fracta; quia (Grith) Anglice Pax Latin.

H.

262 Habere facias seisinam.

HABere fac' seisinā, is a writ iudiciall, & it lieth where one hath recouered certaine lāds in the kings court, then hee shall haue

H.

Habere facias seisinam.

HABere facias seisinam, est vn briefe iudicial, & gist lou vn ad recouer certain terres en court le Roy, donques il auera
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cest briefe direct al Vicount, luy commaundant de doner a luy seisin del terre, & ne ferra returnable.

263 Hangwit.

HAngwit, hoc est quietum esse de latrone suspenso sine iudicio, vel extra custodiam vestram euaso.

264 Hariot.

Hariot, est e deux sorts, lun Hariot custome, le autre Hariot seruice.

Hariot seruice (ascuns diont) est mult foits expresse en le graunt dun home ou en son fait, que il tient per tiel seruice pur paier hariot al temps de son mort, Et cest Hariot est paiable apres le mort de le tenant in fee simple.

Hariot custome, est lou Hariots ont este paies temps hors de memorie per custome. Et ceo poit este apres le mort del tenant pur vie &c. mes a parler de ceo generalment.

Hariot est le meliour beast (soit il Chinal, Boef, ou Vache) que le tenant ad al temps de son mort. Et le Seignior poit

that writte directed to the Shirife, commaunding him to giue him seisin of that land, and it shall not be returnable.

Hangwit.

HAngwit, that is to bee quite of a theefe or felon hanged without iudgement, or escaped out of your custodie.

Hariot.

Hariot, is in two sortes, & one Hariot custome, the other Hariot seruice.

Hariot seruice (some say) is often expresse in a mans graunt or deed, that hee holdeth by such seruice to pay Hariot at the time of his death, & this hariot is payable after the death of the tenant in fee simple.

Hariot custome, is where Hariots haue beene paide time out of minde by custome. And this may bee after the death of tenaunt for life &c. but to speake thereof generally.

Hariot is the best beast (whether it be Horse, Ox or Cowe) that the tenant had at the time of his death. And the Lord may either seise,

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seise, or take a distresse for it, whether it bee Harriot service, or Harriot custome, to the Lords vse of whome the tenaunt helde by his Bailife or other officer belonging to his manor. But of right, þe Lord nor his officer shoulde not take Harriot before it bee presented at the next court holden after the tenant is dead, and that such a beast is due to the Lord for his Harriot.

265 Haybote or hedg-
bote.

HAibote or hedgbote, is necessary stuff to make and amend hedges, which the lessee for yeeres, or for life of common right may take vpon the ground, to him leaséd, although it be not expressed in his lease, and although it be a lease by wordes without writing.

Haybote also may be taken for necessary stuffe to make rakes, forkes, & such like instrumentes wherewith men vse in summer to tedde & make hay. And so a lessee for yeeres tooke it, and it was allowed him

seise, ou prend' vn distresse pur ceo, soit il Harriot service, ou Harriot custome, al vse del Seignior de que le tenaunt tient per son baylie ou auter officer de son mannor. Mes de droit le Seignior ne son officer ne doit prendre Harriot deuant que il soit present al prochein court tenuis apres le tenaunt est mort, & que tiel beast est due al Seignior pur son Harriot.

Haybote ou hedg-
bote.

HAybote ou hedgbote, est necessary stuffe pur faire & amend haies, que lessee pur ans, ou pur vie de common droit poye prendre sur le terre a luy lesse, nient obstant il ne soit expresse en son lease, & nient obstant que il soit vn lease per parols sans escript.

Haybote auxy poit estre prise pur necessarye stuff pur faire rakes, forkes, & tiels semblables instrumens oue quux homes vsont en summer de tedder & fair feine. Et issint vn lessee pur ans prist ceo & fuit a luy allow

P.iiij.

per

The Exposition of

per son lessor, plus tost cōe
jeo suppose, pur ceo que ti-
els instruments sont com-
munement fait de slender
subboys, que per le com-
mon ley lessee pur ans poit
succider & prender come
est auant dist.

266 Hidage.

Hidage, hoc est quietum
esse si dominus Rex tal-
liauerit totam terram per
hidas.

Nota q̄ vn hide de terr̄,
est vn entire plowland. Et
cest kinde de taxing per
hides fuit mult v̄se en v̄-
el temps cibien pur pro-
uision de armour, come
paiments de argent, & ceo
principalment, en les iours
del Roy Etheldred (vn
Roy en cest payes deuant
le Conquest) que en le
an de Christ 1006. quant
les Danes prist̄ land al
Sandwich en Kent taxe
tout son terre per hides en
cest maner, Que chescun
310. hides de terre doivent
trouer vne niese furnish,
& chescun 8. hides doi-
ent trouer vn Iacke & vn
sillet, pur le defence del
Realme.

by his Lessour, the rather
as I suppose for that such
instruments are common-
ly made of slender vnder
woode, which by the com-
mon law ȳ lessee for yeres
may cutte and take as is
aforesaide.

Hidage.

Hidage, ȳ is to be quit, if
the king shall taxe all
the land by hides.

Note that a hide of land
is a whole ploughlande.
And this kinde of taxing
by hides was much v̄sed
in olde time, as wel for
prouision of Armour, as
paiments of Money, and
that chiefly in King E-
theldreds daies (a king in
this Countrey before the
Conquest) who in the
yere of Christ 1006. whē
as the Danes landed at
Sandwich in Kent, taxed
al his land by hides thus,
That euerie three hun-
dred and tenne hides of
lande, should find one ship
furnished, and euery eight
hides shoulde finde one
Iacke and one Sillet,
for the defence of the
Realme.

Hotch-

267 Hotchpot.

HOtchpot, is a medling, or mixing together, and partition of Landes giuen in frankmarriage, with other landes in fee simple descended. As for example, a man seised of 30. acres of lande in fee simple hath issue 2. daughters, and giueth with one of his daughters to a man that marrieth her tenne acres of the same lande in frankemariage, and dieth seised of the other twentie acres: Nowe if shee that is thus married will haue any part of the twentie acres wherof her father died seised: Shee must put her lands giuen in frankmarriage in Hotchpot, that is to say, shee must refuse to take the sole profits of the lande giuen in frankemariage, and suffer the land to be commixt & mingled together with the other land wherof her father dyed seised, so that an equall deuision maye bee made of the whole betweene her and her sister: and thus for her tenne acres shee shall

Hotchpot.

HOtchpot, est vn medling, ou mixing ensemble, & vn partition de terres done en frankemariage, ouesque auter terres en fee simple descendus. Come pur exemple: vn home seisie de 30. acres de terre en fee simple, ad issue ij. filles, & done ouesque vn de ses filles al vn home que luy marrie 10. acres de ceo terre en frankemariage, & mourust seisie de les auters xx. acres: Ore si el que est issint marrie voyloit auer ascun parte de les xx. acres de que son pier mourust seisie: El doit mise ses terres done en frankemariage en Hotchpot, ceo est adire, el doiet refuser de prendre le sole profite del terre done en frankemariage, & suffer le terre de estre commixt, & mingle ensemble ouesque le auter terre de que son pierre mourust seisie, issint que vn equall deuision poyt estre fait de lentyer perenter luy & sa soer: Et issint pur sa 10. acres, el

P. iiii. auera

The Exposition of

auera xv., autrement sa-
loer voyt auer les xx. a-
cres, de que l'our pier mo-
rust seise.

268 Homage.

HOmage, est vn seruice
que ferra fait en tiel
maner, cest ascauoir, le te-
nant in fee simple, ou fee
taile que tient per homage
genulera sur ambideux
genus disinct, & le Seig-
niour seera & tiendra les
mayns son tenaunt inter
ses mains & le tenaunt di-
ra. Ieo deueigne vostre
home de cestuy iour en a-
uant de vie & de member
& de terraine honor, & a
vous ferra foyal & loyal,
& foy vous portera des
terres que ieo claime de
tener de vous, salue le
foy que ieo doy a nostre
Seignieur le Roy, & don-
ques le Seignieur ifsint se-
ant luy basera.

Mes coment fealtie fer-
ra fait, vide deuaunt in
fealtie.

Et le seneichal le Seig-
niour puit prendre fealtie
mes nemy homage.

269 Homage ancestrel.

HOmage auncestrel, est
lou vn hœ & ses aun-

haue fifteene, else her Sifa-
ter will haue the twentie
acres of which their father
died seised.

Homage.

HOmage, is a seruice
which shall be made in
such manner, that is to
say, the tenaunt in fee sim-
ple or fee taile that holdeth
by homage shal kneele by-
on both his knees vngir-
ded, and the Lorde shal sit
and shal holde the handes
of his tenant betweene his
handes, and the tenaunt
shall saye. I become your
man from this daye for-
warde of life and member
and of earthly honor, and
to you shalbe faithful and
true, and shal beare to you
faith for the lands that I
claime to holde of you, sa-
uing that faith & I owe
to our Lord the king, and
then the Lorde so sitting
shall kisse him.

But how fealtie shal be
done look before in fealty.

And the steward of the
Lord may take fealtie but
not homage.

Homage auncestrel.

HOmage auncestrell, is
where a man & his an-
cestours

restours of time out of mind, did hold their land of their Lord by homage. And if such Lord hath received homage, he is bound to acquite the ternaunt against all other Lords as boue him of euery maner seruice. And if the tenant hath done homage to his Lord, and be impleaded and voucheth the Lord to warrantie, the Lord is bound to warrant him, & if the tenant loose, he shall recouer in value against the Lord so much of the lāds as he had at the time of the vouching, or any time after. Also if a man that holdeth his land by homage auncestrel alien the land in fee, then the alienee shal do homage to his Lord, but he shal not hold by homage auncestrel, for that the continuance of the tenancie in the blood of the first tenant is discontinued.

270 Homesoken.

Homesoken, or (Hamefoken) that is to bee quite of amerciamentis for entering into houses violently & without licence,

cesters de temps dont memorie ne courge, ont tenus la terre del Seignior per homage,. Et si tiel Seignior ad resceu homage, il est tenu de acquiter le tenant vers toutes autres Seigniors paramount luy de chescun maner seruice. Et si le tenant ad fait homage a son Seignior, & soit impleade & vouché le Seignior a garrantie, le Seignior est tenu de luy garranter, & si le tenant perde, il recouera en value vers son Seignior tant des terres que il auoit al temps de la vouching, ou vnques puis. Auxy si home que tient sa terre per homage auncestrel alien le terre en fee, donques le alienee fera homage a son Seignior, mes il ne tiendra per homage auncestrel, pur ceo que le continuance del tenancie en le sank del premier ternaunt est discontinued.

Homesoken.

Homesoken, (ou hamefoken) hoc est quietum esse de amerciamentis de ingressu hospicioꝝ violententer & sine licentia, &

The Exposition of

& contra pacem domini Regis. Et qd' teneatis placita de hñodi transgres. facta in Curia vestra, & in terra vestra.

271 Homicide, ou Manslaughter.

Homicide, ou Manslaughter, est le occider dun home feloniously sans malice prepenced. Il est auxy define issint, Homicidium est hominis occisio, ab homine facta: Si autem a cane, boue, vel alia re, non dicitur proprie homicidium: dicitur homicidium ab homine & cædo, quasi hominis cædium.

272 Hornegelde.

Hornegelde, hoc est quietum esse de quadã consuetudine exacta per tallagiũ per totã terrã, sicut de quacunq; bestia cornuta.

273 Housebote.

Housebote, est necessary merisme, que le lessee pur ans, ou pur vie, de cõmon droit poit prendre sur le terre, pur repayer les measons sur mesm le terre a luy lessee, nient obstant il ne soit expresse en le lease, & nient obstant il

and contrarie to the peace of the king. And that you hold plea of such trespassse done in your Court, and in your land.

Homicide, or Manslaughter.

Homicide, or Manslaughter, is the killing of a man feloniously without malice forethought. It is also defined thus, Homicide is the killing of a man, by a man: And if such killing be done by a dog, ore, or other thing, it is not properly called homicide: for it is called homicide of a man & to kill, as the killing of a man.

Hornegelde.

Hornegelde, that is to be quite of a certaine custome exacted by tallage thoro'w all the land, as of whatsoeuer home beast.

Housebote.

Housebote, is necessary timber, that the lessee for yeares, or for life, of common right may take vpon the ground, to repaire the houses vpon the same ground to him leased, although it be not expressed in the lease, & although it be

be a lease by words without deed. But if he take more then is needfull, he may be punished by an action of wast.

274 Hundred.

HVndredes were deuised by Alfred the king, after that he had deuided the whole Realme into certain parts or sections, which of the Saxon word Scyran, signifying to cut, he termed Shires, or (as we yet speak) Shares & porcions. These Shires he also deuided into smaller parts, whereof some were called Lathes, of the word Gelathian, which is to assemble together, or others Tythinges, so named, because there were in each of them to the number of ten persons, whereof each one was suertie & pledge for others good & bearing: Others Hundredes, because they contained iurisdiction ouer an hundred men or pledges, dwelling peradventure in two or iij. or more parishes, boroughes, or towns, lying & adioyning neuertheles somewhat neer

soit vn lease per parol sans fait. Mes si il prist plus que besoigne, il poit estre punish per vn action de wast.

Hundred.

HVndredes fueront deuise per Alfred le Roy, apres que il ad deuide le entier Realme en certain parts ou sections, le quel de le Saxon parol Scyran, significant de scinder, il terme Shires, ou (sicome nous vncore parle) Shares & porcions. Ceux Shires il auxy deuide en petites parts, de queux ascuns furent appellees Lathes, de le parol Gelathian, que est de assembler ensemble, auters Tythinges, issint nosme, pur ceo que la fueront en chescun de eux al number de dize persons, de que chescun fuit suertie & pledge pur auters bone behauour: Auters Hundredes, pur ceo que ils containe iurisdiction sur vn 100. homes ou pledges, demurrant peradventure en deux ou trois, ou plus paroches, boroughes, ou villes, esteant & adioynants niēt meines, pochein ensem-

The Exposition of

ensemble, en le quel il appoint administration de Justice destre exercise severalement enter eux de mesme le hundred, & nemy que lun irra hors disorderment en l'auter hundred, lath, ou tything, en que il ne demurt. Ceux hundredes continue a cest jour en force, nient obstant ne en tout al mesme le purpose, pur que al primer ils fueront ordein, vncore a ore mult necessarie & en temps de peace pur bone order de gouvernement diuers voyes, & auxy en guerre pur certaintie de leuying de homes: come autrement pur le plus spedy collections de payments graunt en Parliament a les Roies & Roignes de cest Realme.

275 Hundredum.

HVndredū, hoc est quietum esse de denarijs vel consuetudinibus faciendis prepositis & hundredarijs.

I.

276 Ideot.

IDeot, est celuy que est vn sot naturall de sa neisture, & ne scauoit de

together, in which he appointed administration of Justice to be exercised severally among them of the same hundred, & not that one should run out disorderly into an others hundred, lath, or tything, wherein he dwelleth not. These hundredes continue to this day in force, although not altogether to the same purpose, wherunto at the first they were appointed, yet still verie needefull, both in time of peace for good order of governmēt diuers waies, and also in warre for certaintie of leuying of men: as els for the more readie collections of payments granted in Parliament to the Kings and Queenes of this Realme.

Hundredum.

HVndredum, that is to be quite of money or customes to be done to the gouernors and hundredors.

I.

Ideot.

IDeot, is he that is a fool naturally from his birth, and knoweth not how to accompt

Termes of the Law.

119

accompt or number twentie pence, nor cannot name his father or mother, nor of what age himselfe is, or such like easie and comon matters: so that it appeareth he hath no maner of vnderstanding of reason, nor gouernement of himselfe, what is for his profite or disprofit &c. But if he haue so much knowledge that hee can read or learne to read by instruction and information of others, or can measure an Ell of cloth, or name the dayes in the weeke, or beget a child, son or daughter, or such like, whereby it may appeare that hee hath some light of reason: the such a one is no Ideot naturally.

accompter ou number xx.d. ne poit nosmer son pere ou mere, ne de quel age il mesme est, ou tiel semblable plaine & comon choses, issint que il appiert que il nad ascun maner de intendement de reason ne gouernement de luy mesme, quel est pur son profit, ou disprofit &c. Mes sil ad tant entelligence que il poit lier, ou apprendre de lyer per instruction & information de auters, ou poit measure vn vlne de drap, ou nosme les iours en le semaine, ou engender vn enfaunt, fits ou file ou tiel semblable, per que il poit appeare que il ad ascun lumen de reason; donque tiel nest Ideot naturalment.

277 Idemptitate nominis.

Idemptitate nominis, is a writ, and it lyeth where a writ of debt, couenant, or accompt, or such other writ is brought against a man and another that hath the same name as the defendant hath is takē for him, the he shal haue this writ,

Idemptitate nominis.

Idemptitate nominis, est vn bre, & gist lou bre de det, Couenant, Accompt, ou tiel semblable briefe est port vers vn home, & vn auter que ad mesme le nosme come le defendant ad, est pris pur luy, donq; il auera cest bre
per

The Exposition of

per que le viscount fra in-
quiere deuant Justice as-
signe in mesme le countie,
si soit mesme le perion ou
nemy, & si ne soit troue le
partie donques il alei sans
iour in peace.

278 Teofayle.

IEofaile, est quant les par-
ties al ascun suit en ple-
dant ont a tant proceed
que il aient joyne issue
quel sera trie, ou est trie
per vn Iurie ou enquest.
Et cel pleding ou issue est
cy malement plede ou
ioyn que il sera errour si
eux proceed: Donque as-
cun del distes parties poit
per leur Counsel mon-
stre ceo al Court auxibien
apres verdict done & de-
uant iudgement, come de-
uant le Iurie soit charge.
Le monstrans des queux
defectes deuant le Iurie
charge, fuit souent quant
le Iurie veign al Court de
trier le issue: donques le
counsell qⁱ voit ceo mon-
strer, dirra, Cest enquest ne
doies prendre, Et si soit
apres verdict, donques
il poit dire, Al iudge-
ment ne deues aler. Et

by the which the Shritfe
shall make inquire befoze
the Justice assigned in the
same countie, if he be the
same person or not, and if
he be not found to be the
partie, then he shall go
without day in peace.

Teofaile.

IEofaile, is when the par-
ties to any suite in pleas-
ding haue proceeded so
far & they haue ioynd is-
sue, which shalbe tried or
is tryed by a Jury or en-
quest. And this pleding
or issue is so badly plede
or ioynd, that it wilbe er-
ror if they proceed: Then
some of the said parties
may by their Counsel shew
it to the Court as well
after verdict giuen and
before iudgement, as be-
fore the Jury be charged.
The shewing of which
defectes before the Iurie
charged was often when
the Jury came into the
court to trie the issue: then
the counsel whi. h will shew
it, shal say, This enquest
ye ought not to take, And
if it be after verdict, then
he may say, to iudgement
you ought not to go. And
because

because by such many delays were in suites, byuers statutes are made to redresse them, as well in the time of king H. the 8. in the 32. yearz cap. 30. as in the time of the Queene that now is: Whereof a man may say as the Ciuilians say, that although Constantine the Emperoz commanded the formes of the law to be cut off, yet the daily vse of pleading doth seeme again to recal them, or rather, some of them increase as the heads of Hydra.

279 Vnlawfull assemblie.

VNlawfull assemblie, is where people assemble themselves together to do some vnlawfull thing against the peace, although that they execute not their purpose in deede.

280 Imparlance.

Imparlance, is when an action of debt, trespass, or such like is brought against a man, and after that the plaintiff hath counted or declared, the defendant prayeth the Court, that hee may haue time to put in his answer to

pur ceo q̄per tielx mults delayes fueront en suites, diuers statutes sont faits de redresser ceo, auxy bien en temps de Roy H. le 8. anno 32. cap. 30. come en le temps le Roigne que ore est. De queux home poit dire come les Ciuilians dient, quod tamen iuris formulas amputari iusserit Constantinus Imperator, quotidianus tamen forensis vsus eas reuocasse videtur, vel potius, quod crescunt vt Hydre capita.

Illoyal assemblie.

ILloyall assemblie, est lou people eux assemble insimul pur faire illoyal chose encounter le peace, nient obstant que ils ne execute leur purpose en fait.

Imparlance.

Imparlance, est quant vn action de dette, trespassse, ou tielx semblables est port enuers vn home, & apres que le plaintife ad count ou declare, le defendaut pria le Court que il poit auer temps de mitter eins son respons al auter

The Exposition of

auter iour en mesme le terme, ou en le procheine terme, cest stay de respous est appel imparlance.

281 Imprisonment.

Imprisonment nest auter chose fors q; le restraint del libertie dun home, soit ceo en le ouert chaps ou en le cippes, ou cage en les estreates, ou en le proper meason dun home, sibien come en le common gaole. Et en toutes ceus lieux le partie issint restraine est dit destre vn prisoner, cy longemēt come il nad son libertie frankmēt de ire a tous tēps & lieux lou il voit, sās baile, mainprise, ou autr auctoritie.

282 Indicavit.

Indicavit est vn briefe, & gist lou debate est perenter deux Clerkes en court Christian dun Esglise, ou part de vn Esglise, pur dismes q̄ amount al meines a le value de la quart part del Esglise, & pur ceo que le patron del Clerk le defendaunt perdra son aduowson, si le Clerke le plainlyse la recouera, donques il auera briefe

another daye in the same terme, or in the next terme following, this stay of answer is called imparlance.

Imprisonment.

Imprisonmēt, is no other thing, but the restraint of a mans libertie, whether it be in the open field or in the stockes, or cage in the streates, or in a mans owne house, as well as in the common gaole. And in al these places the partie so restrayned is said to be a prisoner, so long as he hath not his libertie freely to go at all times to all places whether he wil, wythout baile or mainprise, or other auctoritie.

Indicavit.

Indicavit is a writ, & lieth where debate is between ij. Clerkes in court Christian of one Church, or part of a Church, for dismes which amounteth at the least to the value of the iiii. part of the church, & for that that the patrō of the Clerk of the def. shall leese his aduowson, if the Clerk of the pl̄ shall recover it, he shall haue a writ
directed

directed to þe clerke of the
plaintif, or to þe officers of
the Court christian, them
cōmanding to cease their
plee, untill it is discusst in
the Kings court to whom
the aduowson belongeth,
And the writte shalbe be-
twene iiij. persons, two
shalbe patrons & ii. shalbe
clerkes. But this writ is
not returnable: but if they
cease not their suit, he shal
haue an Attachment.

direct al Clerke le plain-
tif, ou al officers del court
Christian, eux commaun-
dant de cesser de leur
plee, ieqsques il est dis-
cusse en Court le Roy a
que la duowson appent, Et
cest brief serra enter qua-
ter persons, deux serront
patrons, & deux serront
Clerkes. Mes cest briefe
nest returnable: mes s'ils
ne cessont leur suit il auera
vn Attachment.

283 Infangthefe.

INfangthefe, that is, that
theeves taken within
pour demesne or fee con-
uicted of theftes, shall bee
iudged in pour Court.

284 Information.

INformation, for the Q.
is that, which for a cō-
mon person is called a de-
claration, and is not al-
waies done directly by the
Queene, or her Atturney,
but rather by some other
man, who sueth or infor-
meth as well for himselfe
vpon the breach of some
penall lawe or Statute,
wherein a penaltie is gi-
uen to the partie that will
sue for the same, but no

Infangthefe.

INfangthefe, hoc est ꝑ
latrones capti in domi-
nico vel in feodo vestro de
latrocinij conuicti, in cu-
ria vestra iudicent.

Information.

INformatiō pur le roign
est ceo que pur vn com-
mon person est appel vn
declaration, & nest toutes
foits fait directement per
le Roigne, ou sa Attur-
ney, mes per vn autre
home, Qui tam pro do-
mina Regina quam pro se-
ipso sequitur, sur le breach
de ascun penal ley ou sta-
ture, en que vn penal-
tie est done al partie que
voit suer pur ceo, mes nul

Q. j.

actiō

The Exposition of

action de dett purrecouer
ceo, donq; il doit este ewe
per information.

action of debt to recouer
it, then it must be had by
information.

Instant.

285 Instant.
I Nstant, que est dist in
Latine *Instans*, & define
per les Logicians, *Vnum*
indiuifibile in tempore, quod
non est tempus, nec pars
temporis, ad quod tamen
partes temporis copulantur,
est mult consider en ley:
& coment ne poet ac-
tuelment destre deuide,
vncore est en considera-
cion & conceyt deuide
& applie al seuerall pur-
poses, sicome fueront se-
uerall temps, de quel vide
en Master *Plowdens Com-*
mentaries: en le case enter
Fulmerston & Stuard, lou
lestatute 31. Henr. 8, que
enact, que si Abbe deins
an deuaunt cest Statute
lessa terre al vn, que
donque eyt mesme terre
al ferme, pur terme de
ans, donq; nient expire,
que le lessee auera cest
terre solement pur vint
vn ans, est expounde,
& la est debate que quant
termor prent le second
lease, il surrender son

I Nstant, which is said in
latine *Instans*, & defined
by the Logicians, a thing
not deuidable in time,
which is not any time, nor
part of time, to which yet
the partes of time are cō-
ioyned, is much cōsidered
in the law, & though it cā-
not be actually deuided,
yet in the cōsideratiō & cō-
ceit may be deuided & aplis-
ed to seuerall purposes, as
if they were seuerall times,
whereof see in M. Plowdes
Comēt. in þ case betweene
Fulmerston & Stuard, wher
þ Statute of 31. H. 8, which
enacted, þ if an abbot win
a yeere before þ Statut had
letten lāds to one, which,
at the time of þ making of
that lease, had the same
lād to ferme for a terme of
yeeres at the time of þ ma-
king of that lease not ex-
pired, that the lessee should
haue that lād only for xxi.
yeeres, is expounded. And
there it is debated, that
when the termor taketh þ
2. lease, he surrendereþ his
former

former term which he had before, & so at the same time at the taking of the 2. lease, the former terme was expired, & so at one instant and time he had a former terme, and also the former terme was expired & determined. And in the case betwene Petit & Hales, he, which killeth himselfe, till he be dead, did not commit felony, and when he was dead, he was not in being, so that hee might be termed a felon, but at the instant is in the law adiudged a felon. And so there be many other cases in the law, where the instant, that is not deuideable in nature, in the consideration of the mind & vnderstanding of the sages of the lawe, is deuided, vpon which arise many arguments of great witte and profound iudgement.

186 Ioyntenants.

Ioyntenants be wher two men come to any lands & tenements by one ioynt title: As if a man giue lands to two men and to their heires.

But Tenants in com-

former terme que il auoit deuant, & sic al mesme temps del prisel del second lease, il eyt vn former terme, & per le prisel del second lease le former terme fuit expire, & issint al vn instant & temps, il eyt vn former terme, & auxy le former terme fuit expire & determine. Et en le case enter Petit & Hales, cestuy, que occide luy mesme, tanz soit mort, ne fesoit felony, & quant fuit mort, ne fuit en esse, issint q poest este dit felon, mes al Instant est en ley adiudge felon: Et sent mults autres cases en ley, sou le instant temps, que est indeuisible en nature, en consideration del ment & entendement del sages del ley e deuide, sur quux surde mults arguments de grand ingenie & profound iudgement.

Ioyntenants.

Ioyntenants sont lou deux homes vient a ascū terres ou tenements per vn ioynt title: Come si home done terre a deux homes & leur heires.

Mes Tenants en commun

Q. ij.

The Exposition of

mon sont lou ij. homes
ont terres per feveral ti-
tles, ou per feffement al
deux, a auer & tener lun
moitie al vn & ses heires,
& l'auter moitie al l'auter
& ses heirs, en tous ceux
cases nul de eux scauoit
son feveral, come il serra
dit apres.

Et nota si sont deux
ou trois ioyntenaunts,
& vn ad issue & deuie,
donques cestuy ou ceux
iointenaunts que suruef-
que auera lentierte per le
suruiuor.

Mes si deux iointenants
font particion enter eux p
fait p agreemēt, donques
ils sont feveral tenants.

Mes si vn iointenaunt
graunt ceo que a luy ap-
pent a vn estraunger, don-
ques l'auter iointenant &
le stranger sont tenants en
common.

Et mesque ij. tenaunts
en common sont seysie
per my & per tout, & nul
conuist son feveral, vncore
si vn deuie, l'auter ne au-
ra lentierte per surui-
uor, mes le heire de
cestuy que deuy auera le
moitie.

mon bee where two men
haue lands by feuerall ti-
tles, or by feoffement to ij.
to haue & to holde the one
halfe to one & his heires,
& the other half to another
and his heires, in all these
cases none of them know-
eth his feuerall, as it shall
be said after.

And note wel, if there be
two or thre ioyntenants,
and one hath issue & dieth,
then hec and those iointe-
naunts that ouerliue shall
haue the whole by the sur-
uiuor.

But if two iointenants
make partitiō between thē
by deed by agreemēt, then
they be feuerall tenants.

But if one iointenant
grant that that belongeth
to him to a stranger, then
the other ioyntenant and
the stranger be tenants in
common.

And though two tenāts
in cōmō be seised throghe-
ly and of the whole, and
not knoweth his feuerall,
yet if one die & other shall
not haue the whole by the
suruiuor, but the heire
of him that dieth shall
haue the halfe.

And

And so if there be three Jountenants, and one of them maketh feoffment of his part to another, & the feoffee dieth, then his heire shall haue the third parte, and the other two be iointenants as they were, because that they two be seised by one ioint title.

Also if landes be giuen to the Baron and to his wife, and the husband alieneth and dieth, the wife shal recouer the whole: but if they were ioyntenantes before the couerture, then in such case shee shall recouer but the halfe.

Also if land be giuen to the husband & to his wife, and a third person, if the third person graunt that that belongeth to him, the one halfe passeth by this grant, for that that the baron & his wife bee but one person in the lawe, and in this case they haue nothing in right but y halfe.

Also if two Jointenants be of landes in a Towne which is borough English, where lande is deuifable, & one by his testament deuifeth that, that

Et issint si sont iij. iointenants, & vn de eux fait feoffement de son part a vn autre, & le feffee deuie, donques son heire auera le tierce part, & les autres ii. sont iointenants come ils fueront, pur ceo que eux deux sont seises per vn ioint title.

Auxy si terre soit done al baron & sa feme, & le baron alien & deuie, le feme recouera l'entierie; Mes si ils fueront iointenantes deuant le couerture, donques en tel case el recouera forsque le moitie.

Auxy si terre soit done al baron & sa feme, & a tierce person, si le tierce person graunt ceo que a luy appent, la moitie passera per cel graunt, pur ceo que le baron & sa feme sont forsque vn person en le ley, & en cest case ils nont en droit forsque le moitie.

Auxy si deux ioyntenantes sont des terres en ville que est borough English, l'ou terre est deuifable, & lun per son testament deuifera ceo que

Q. iij.

a luy

The Exposition of

a luy appent a vn estrang-
ger & deuie, cest deuise
est voide, & le autre a-
uera l'entier per surui-
uer, pur ceo que le de-
uise ne poit prendre ef-
fect tanque apres le mort
le deuifor, & immedi-
ate apres le mort le deuifor,
le droit deuient al
autre ioyntenant per le
suruiuer, le quel ne claime
riens per le deuifor mes
en son droit demesne per
le seruiuer: Mes autre-
ment est de Parceners sei-
sies des terres deuifables,
causa qua supra.

287 Jointure.

Jointure est vn estat &
assurance fait al vn feme
en consideration de mariage
pur terme de sa vie, ou au-
terment, come est mention
en l'estatute 27. H. 8. ca. 10.
soit il deuant ou aps le ma-
riage. Et si soit apres le ma-
riage d'ouques el poit a sa li-
berty apres le mort de son
baron refuser de prendre,
ou auer les terres issint
assure pur sa jointure, &
demund sa dower al co-
mon ley: Mes si soit fait
deuant mariage, d'ouques
el ne poyt refuser n'el

belogeth to him to a stra-
nger and dieth, this deuise
is void, and the other shal
haue the whole by surui-
uor, for that the deuise may
not take effecte till after
the death of the deuifor,
and immediate after the
death of the deuifor, the
right cometh to the other
iointenant suruiuer, the
which claymeth nothing
by the deuifor but in his
owne right by h' suruiuer:
But otherwise it is of
Parceners seised of lands
deuifable, *causa qua supra.*

Jointure.

Jointure is an estate and
assurance made to a wo-
man in consideration of mar-
riage for terme of her life,
or otherwise, as is menti-
oned in the statute 27. H. 8.
cap. 10. whether it bee be-
fore or after the marriage.
And if it be after the mar-
riage, then shee may at her
liberty after the death of
her husband refuse to take
or haue the landes so assu-
red for her iointure, & de-
maund her dower at the
common law: But if it be
made before marriage, then
shee may not refuse such

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ioynture, nor haue dower according to the common law vnlesse that when she bringeth her writte of dower, the defendant pledeth such a plea that will not barre her of her dower, the she shalbe endowed: As if hee say in barre, that her husband was not seised of such estate whereof shee might be endowed, or any such plea, & doth not shewe that shee hath a ioynture made &c. and therefore demaundeth iudgement of that action, or iudgement if she shall be also endowed, or any such like plea &c. And this was the opinion of the right worshipfull Master Brograue, at his Reading in Grayes Inne in summer An. 1567. 18. El. by a branch of the statute made An. 27. H. 8. ca. 10. concerning iointures & dowers.

And by him of those things whereof a woman may be endowed, shee may haue iointure as of mines, besturam terre, woodes, Townes, Iles, Meadows, and such like. Also of an aduowson, of a reuerſion depending vpon

ioynture, ne auer dower accordant al common ley, sinon que quant el port sa briefe de Dower, le defendant plede tiel plea que ne voile luy barrer de sa Dower, donques el serra endow: Sicome il dit en barre, que sa baron ne fuit seisie de tiel estate de quel el doit este endow, ou ascun tiel plea, & ne monstre que el ad vn iointure fait &c. & pur ceo demaund iudgement de cel action, ou iudgement si el serra auxy endow, ou ascun tiel semblable plea &c. Et ceo fuit l'opinion de le droit worshipfull M. Brograue, al son lecture en Grayes Inne en Summer Anno 1567. 18. Eliz. sur vn branch del statute fait An. 27. H. 8. ca. 10. concernant Iointures & dowers.

Et per luy de ceux choses de que vn feme poit este endowe, el poit auer vn iointure, come de mines, vesturam terre, boies, villes, Iles, meadows, & tiels semblables. Item dun aduowson, dun reuerſion dependaunt sur

The Exposition of

vn estate pur vie, dun
Windmill, vn haut cham-
ber, vn rectorie & tiels
autres, & ils sont appels
tenementes. Item dun
villen, car il est heredi-
tament. Et de tous ceux
profite poet venter al fe-
me. Mes de ceux cho-
ses de que nul profite vo-
et venter, mes plus tost vn
charge, vn iointure ne po-
et estre fait.

L.

288 Larceny.

Larceny est vn torcyous
prisell des biens dun
auter home, mes nemy
de son person, ou vn
ment de eux embleer en-
counter son volunt que bi-
ens ils fueront.

Et larcenie est en deux
sorts, lun issint appelle
simplement, & l'auter pe-
rit larcenie.

Le primer est lou le
chose emblee exceda le
value de xij. d. & ceo est fe-
lonie.

Le auter (que est appell
petite larcenie) est lou le
chose emblee, ne exceda
le value de xij. d. & ceo
nest felonie.

an estate for life, of a
Windmil, an high cham-
ber, a rectorie and such o-
ther, and they are called
Tenementes. Also of a
villen, for hee is an heres-
ditament. And of all these
profite may come to the
woman. But of those
things whereof no pro-
fite will come, but rather
a charge, a iointure can-
not be made.

L.

Theft.

Theft, is a wrongfull
taking awaie of an o-
ther mans goods, but not
from his person with a
minde to steale them, a-
gainst his will whose
goods they were.

And theste is in two
sorts, the one so caled sim-
ply, and the other petite or
little theft.

The first is where the
thing stole exceedeth the va-
lue of xij. d. & that is felony.

The other (which is
called little or petite theft)
is where the thing stolen
doeth not exceede the va-
lue of xij. d. and that is no
felonie.

Lestage

289 Lastage.

Lastage, that is to bee quite of a certain custome exacted in faires & markets for carrying of things where a man wil.

290 Leases.

Leases be graunts or demises by one which hath any estate in any hereditaments of those hereditaments to an other for a lesser time, and they be in diuers maners, that is to say, for terme of life, for terme of yeeres, for terme of an others life, & at wil.

Also a lease of land is as good without deede as with deede.

But in a lease for terme of life, it behoueth to giue liuerie and seisin vpon the land, or else nothing shall passe by the grant, because that they bee called freeholdes.

Also a lease of a common or rent, may not be good without deede.

But of a Parsonage which hath glebe, it is good wout deed, for that that the glebe of the church which is the principall, may passe well ynough

Lastage.

Lastage, hoc est quietum esse de quadam consuetudine exacta in nundinis & mercatis pro rebus cariandis vbi homo vult.

Leases.

Leases sont grants ou demises per vn que ad aucun estate en hereditaings de ceux hereditaings al auter pur meinder temps, & ceo sont en diuers maners, cestascavoir, pur terme de vie, pur terme de ans, pur terme dauter vie, & a volunt.

Auxy vn lease de terre est auxy bone sans fait come per fait.

Mes en lease pur terme de vie, il couient de doner liuerie & seisin sur le terre, ou autrement riens passera per le graunt, pur ceo que ils sont appellees franktenements.

Auxy vn leas de vn common ou rent, ne poit este bone sans fait.

Mes de vn Parsonage que ad glebe, il est bone sauns fait, pur ceo que le glebe de le Eglise que est le principal, poit assers bien passer sans

The Exposition of

sans fait , & ilsint les dismes & offerings que sont come accessory al Es- glise.

Mes dismes & offerings per soy , ne poyent este lesses sans fait, vt dicitur.

291 Lessor & Lessee.

Lessor, est celuy que lessa terres ou tenements al auter pur term de vie, ans, ou al volunt, & celuy a que le lease est fait, est appelle lessee.

292 Leuant & Couchât.

Leuant & Couchant, est dit, quant les bestes ou cattell dun estranger sont venue en le terre dun auter home , & la ont remaine vn certaine bone space de temps.

293 Ley.

Ley, est quant action de det est port vers vn sur ascun secret agreement ou contract ew perenter les parties sauns especialtie monstre, ou auter matter de record: come en vn action de Detinue pur ascun biens ou chattels accomoda ou relinque oue le defendant, donques le defédât poit gager son ley, sil voile, cestascavoir, de

without deede, and so the dismes & offerings which bee as accessarie to the Church.

But dismes & offerings by them self may not be let without deed, as it is said.

Lessor & Lessee.

Lessor, is he that letteth lands or tenements to an other for terme of life, yeares, or at will, and he to whom the lease is made, is called lessee.

Leuant & Couchant.

Leuant & Couchant, is said, when the bestes or cattell of a stranger are come into an other mans ground, and there haue remained a certaine good space of time.

Ley.

Ley, is when an action of debt is brought against one vpon some secret agreement or contract had between the parties without especialtie shewed, or other matter of record: as in an action of Detinue for some goods or chattels lent or left with the defendant, then the defendant may wage his law, if he will, that is to say, to sweare

Swear vpon a Book, and certain persons with him, that he detaineth not the goods, or sweth nothing to the plaintife in maner & form as he hath declared.

And it is allowed onely in cases of secrecie, where the plaintife cannot proue the surmise of his suit by any deed or open act: or the defendant might discharge it priuely betweene them without any wyting of acquittance, or publike act: And therefore in an action of Debt vpon a lease for terme of yerres, or vpon arrerages of accōpt befoze auditors assigned a mā shal not wage his law.

But when one shal wage his law, he shal bring with him viij. or xij. of his neighbors, as the Court shal assigne him, to swear with him, much like vnto the othe which they make which are vsed in the Ciuill law, to purge others of any crime lated against them, which are called conpurgators.

Note that the offer to make the othe is called wager of law, and when

iurer sur vn Lieur, & certaine persons oue luy, que il ne deteina les biens, ou doit riens al plaintife en maner & forme come il ad declare.

Et cest allowe solement en cases de secrecie, ou le plaintife ne poit prouer le surmise de son suit per ascun fait, ou ouert act: ou le defendant poit ceo discharge secretment perenter eux sans ascun escript de acquittance, ou publique act: Et pur ceo en action de Dette sur vn lease pur terme dans, ou sur arrerages de accompt deuaunt Auditors assigne, home ne gagera son ley.

Mes quant vn gagera son ley, il amesnera ouesque luy viij. ou xij. de ses vicines, come le Court luy assignera, de iurer ouesque luy, mult semble al serement que eux fesoient que sont vses en le Ciuill ley, de purger auters de ascun crime al eux impute, que sont appelle conpurgators.

Nota que le offer de faire le seremēt est appelle le gager del ley, & quant il est

The Exposition of

il est accomplish , don-
ques est appelle , le fesans
del ley.

Et auxy si le Vicont en
ascun action retourne que il
eit summon le defendant
de appearer en Court a
ascun iour a responder le
plaintife , a quel iour il
fait default , proces serra
agarde vers luy de vener
& saue , ou excuse son de-
fault : que est a tant a dire ,
come purgare moram , ou
auterment de perdre le
chose demaunde : Et don-
ques le defendaunt vient
& voit iurer que il ne fuit
summon , que est appelle
gager de ley , donques il
doit ceo faire al iour as-
signe oue xij. auters , Et
en fesant del ley il doit
sur son serement affir-
mer directment al con-
trarie de ceo que est im-
pute a luy , Mes le au-
ters ne dira , mes que
eux entende que il dit le
veritie.

294 Libertate probanda.
Libertate probanda, vide
de ceo en le title de
Natiuo habendo.

it is accomplished, then is
it called , the doing of
your law.

And also if the Shirife
in any action retourne that
he hath summoned the de-
fendaunt to appeare in
Court at any day, to aune-
swear the plaintife , at
which day he maketh de-
fault , proces shall be as-
warded against hym to
come & saue , or excuse his
default : which is asmuch
to say, as to excuse the de-
lay, or otherwise to loose
the thing demanded: And
then the defendant com-
meth & will swear that he
was not summoned, which
is called waging of law,
then he ought to do it at
the day assigned with xij.
others , And in doing of
his law he ought vpon
his othe affirme directly
the contrary of that which
is imputed to him , But
the others shall not say,
but that they think that he
sayth the truth.

Libertate probanda.
Libertate probanda, Look
for that in the title of
Natiuo habendo.

295 Limi-

295 Limitation.

Limitatio is an assignement of a space or tyme, within which, he that will sue for any lands or hereditaments, ought to proue that he or his auncester was seised of the thing demanded, or otherwise he shall not maintaine his sute or action, which assignemets be made by diuers statutes, wherof the last was an. 32. H. 8. ca. 2.

296 Liuerie of seisin.

Liuerie of seisin, is a ceremony vsed in conueyance of lands or tenemets where an estate in fee simple, fee taile, or a freehold shall passe: and it is a testimoniall of the willing departing by him who makes the liuerie from the thing whereof liuerie is made: And by receiuing of the liuerie, is a willing acceptance by the other partie, of all that whereof the other hath dismissed himselfe: And was inuented as an open and notorious thing, by meanes whereof the common people might haue knowledge of the passing or alteration

Limitation.

Limitatio est vn assignement de space ou tēps, deins quel, cesty, que voil suer pur ascuns terres ou hereditaments, doit prouer que il ou son auncester fuit seisie del chose demand, ou auterment ne maintenera son sute ou action, quel assignements sont faits per diuers statutes, darreinment per 32. H. 8. cap. 2.

Liuerie de seisin.

Liuerie de seisin, est vn ceremonie vse en conueyance de terres ou tenements lou vn estate en fee simple, fee taile, ou vn franktenement passera: Et il est vn tesmoigne de le voluntarie departing per luy que fait le liuerie del chose de que liuerie est fait: Et le receite del liuerie est vn voluntarie acceptance per le autre partie, de tout ceo de que autre ad luy dismise. Et fuit inuent come vn ouert & notorious chose per meanes de que le common people poient auer intelligence de passing ou alteration de

The Exposition of

de estates de home al home, que per ceo ils poient estre le meliour able pur trier en que le droit & possession de terres & tenementes fueront; sils doient estre impanel & iures, ou autrement ont a faire concernant ceo.

Le common manner de liuerie de seysin, est en cest sort fait: Si il soit en le ouert champ ou ne sont edifices, ou maison, donques vn que poit lyer prist le fait en son maine, si lestate passera per fait, & declare al eux que la sont, le cause de lour vener la ensemble, & donques ouertment lya le fait, ou declare le effect de ceo en Englois, & apres que il est seale le partie que est a departer oue le terre, prist le fait en ses maines ensemble ouesque vn clodde del terre, & vn twigge ou bowe, sil y ad ascun la, & tout ceo il deliuer al autre partie, en le nosme de possession ou seysin accordaunt al fourme & effecte del fayt, que de-

of estates from man to man, that thereby they might bee the better able to trie in whom the right and possession of landes and tenementes were, if they should bee impanelled in Iuries, or otherwise haue to do cōcerning the same.

The cōmon manner of deliuerie of seysin is after this sorte done: If it bee in the open field where is no building or house, then one that can reade taketh the wryting in his hande, if the estate shall passe by deed, & declareth to þe stāders by the cause of their meeting there together &c. and then openly readeth the deede, or declare the effect thereof in English, & after that it is sealed, the party who is to depart frō the ground, taketh þe deede in his handes together with a clodde of the earth, and a twigge or bowe if any be there, and all this he deliuereth to the other partie in the name of possession or seysin, according to the form and effect of the deede which before them

them was ther read oꝝ declared, But if there bee a dwellinghouse oꝝ building vpon the land, then this is done there at the dooze of the same, none being left at that time within the house, and the partie deliuereth all the aforesaide together with the ring of the dooze in the name of seisin oꝝ possession, and he that receiueh the liuerie entreth in first alone, and shutteth too the dooze, and presently openeth it again, and letteth them in &c. If it be of a house whereto is no land oꝝ ground, the liuerie is made and possession taken by the deliuerie of the ring of the dooze & deed onely. And where it is without deed either of landes oꝝ tenements, there the partie declareth by woord of mouth before witnesse, the estate that he meaneth to depart with, and then deliuereth seisin oꝝ possession in maner as is before said: and so the land oꝝ tenemēt doth passe aswell where there is no deed, as by deed, & that by force of the liuerie of seisin:

uant eux fuit la lye ou declare. Mes sil soit vn habitation ou edifice sur le terre, donques ceo est fait la a le doore del ceo, nul esteant relinguishe a cest temps deins le meason, & le partie deliuer tout les auandites ensemble ouesque le annell del doore en nosme de seysin ou possession, & il que receyua le liuerie entra primes sole, & shutta le doore, & presentment ouert ceo, & lesa eux eins &c. Sil soit de vn meason a que est nul terre, le liuerie est fait & possession prise per le deliuerie del annel de le doore & fait solement. Et ou il est sauns fait de terres ou tenementes, la le partie declare per parol deuant tesmoignes, le estate ouesque il entende de departer, & donques deliuer seisine ou possession en maner come est auantdit: & issint le terre ou tenement passera sibyen lou il nad fait, come per fait, & ceo per force del liuerie de seysine:

The Exposition of

Il fuit agree en Grayes
Inne per le droit Wor-
shipfull M. Snagge, al son
lecture la en sommer
Ann. 1574. que si vn feof-
four deliuer le fait en
view del terre, en nosme
de seisin, que il est bone,
pur ceo que il ad vn pos-
session en luy mesme.
Mes autrement est dun
Attorney, car il doit aler
al terre, & prise possession
luy mesme, deuant que il
poit doner possession al
auter, accordant al parolx
de son garrant &c. Et lou
liuerie de seisin est per le
view, si le feoffee ne en-
tra pas puis &c. nul chose
passa, car il doit enter en
fait.

297 Lothervite.

L Otherwite, hoc est qd'
caplatis emendas ab
ipso. qui corrumpit ve-
stram natiuam sine licen-
tia vestra.

M

298 Mahim ou Maimie.

M Ahim, est lou per le
torcious act dauter, as-
cun member est dampni-
fie ou tolle, per que le par-
tie issint dampnifie est fait

It was agreed in Graies
Inne by the right Wor-
shipful Master Snagge,
at his reading there in
summer Anno 1574. that
if a feoffor deliuer the deed
in viewe of the lande, in
name of seisin that it is
good, because that he hath
a possessiō in himself. But
otherwise it is of an At-
turney, for he must goe to
the land, and take possessi-
on himselfe, before that he
can giue possession to an
other, according to the
woordes of his warrant
&c. And where liuerie of
seisin is by view, if the
feoffee do not enter after
&c. nothing passeth, for he
ought to enter in deede.

Lothervite.

L Otherwite, that is that
you may take amendes
of him which doth defile
your bondwoman with-
out your licence.

M

Maihim or Maimie.

M aihim, is where by the
wrongfull act of ano-
ther, any member is hurt
or taken away, where by
the partie so hurt is made
impers

Imperfecte to fight : As if a bone be taken out of the heade : or a bone be broke in any other parte of the body : or a foote, or hand, or finger, or ioynte of a foote, or any member bee cutte : or by some wounde the sinewes bee made to shrinke, or other member, or the fingers made crooked, or if anie eye be putte out, or the foreteeth broken, or anie other thing hurte in a mans bodie by meanes whereof hee is made the lesse able to defend himselfe or offend his enemye.

But the cutting off of an eare, or nose, or breaking of the hinder teeth, or such like, is no mayhim, because it is rather a deformitie of the bodie, then diminishing of strength, and that is commonlie tryed by beholding the partie by the Iustices. And if the Iustices stand in doubt whether the hurt be a mayhim or not, they vse and will of their great discretion take the helpe and opinion of some skilfull Surgeon, to consider

imperfect a cōbater: Comme si vn osle soit prise hors del test : ou vn osse soit debruse en asc' auter part del corps, ou vn pee, ou maine, ou digit, ou joint dun pee, ou asc' mēber soit scie : ou per ascun plague les nerues sont fait de shrinker, ou auter mēber, ou les digits faits curue, ou si vn oyl soit mise hors, ou les anterior dentes debruse, ou ascun auter chose en le corps dun home, per reason de que il est fait le meins able par defender luy mesme, ou offend son enemy.

Mes le scyer dun de vn orial, ou nase, ou lenfréd' del dents moliers, ou tiels semblables nest asc' maihem, pur ceo q il est plus vn deformity de le corps, que vn defect del strēgh, & ceo est communement try per linspection del partie per les Iustices. Et si les Iustices sont é doubt si le dam soit vn maihem ou nemy, ils vse, & voylent de leur graund discretion prendre le aide & opinion de ascun erudite Surgion, pur consid'

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de ceo deuant que ils determine sur le case.

299 Mainprise.

MAinprise, est quant vn home est arrest p Capias, donc les Iudges poi-ent deliuer son corps a certain homes pur garder & de luy amesner deuant eux a certain iour, & ceux sont appels mainpernors, & si le party ne appear al iour assignes, le mainpernors ferra amercie.

300 Mannour.

MAnnour, est vn chose compound de diuers choses, come de vn meason, terre arrable, pasture, pree, bois, rent, auowson, court baron, & tiel semblable queux font vn manor. Et ceo doit este p ancient cōtinuance de tēps, cuius contrariū memoria hominum non existit: car a ceo iour vn manor ne puit este fait pur ceo q vn Court baron ne poit estre fait a ore, & vn manor ne poit estre sans vn Court barō & suters ou franktenants, deux al meines, car si toutes les franktenements forsque vn escheat

thereof, before they determine upon the case.

Mainprise.

MAinprise, is whē a mā is arrested by Capias, then the Judges may deliuer his bodie to certaine men for to keepe and to bring him before them, at a certaine day, and these be called mainpernours, & if the partie appeare not at the day assigned, the mainpernours shalbe amerced.

Mannour.

MAnnour, is a thinge compounde of diuers things, as of a house, lād arrable, Pasture, Meadow, wood, rent, Aduowson, court Baron, & such like which make a manor. And this ought to be by long cōtinuāce of time, to the contrary whereof mans memoze cannot discerne: for at this day a Mannour cannot bee made, because a Court Baron cannot now be made, & a Mannour cannot be without a Court Barō, and suters or freeholders, two at the least, for if all the freeholders except one escheat

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to the Lorde, or if he purchase all except one, there his manor is gone, for it cannot be a manor without a court Baron (as is aforesaid.) And a Court Baron cannot be holden but before iudges, and not before one iudge, & therefore where but one freehold or freeholder is, there cannot be a manor properly, although in common speech it may be called a manor.

301 Manumission.

MANUMISSION, is the making of a bondman to be a freeman & may be in two sorts, the one is a manumission expresse, the other a manumission implied or secrete:

Manumission expresse is when the Lord maketh a deed to his villein to enfranchise him by this word (manumittere) which is as much to say, as to let one goe out of another mans hands or power.

The manner of Manumitting or enfranchising in olde time moste usually was thus: The Lord (in presence of his neighbors) tooke the bondman

al Seignior, ou fil purchase tout preter vn, la son manor est ale, pur ceo que il ne poit estre vn manor sans vn court Baron (come auantdit.) Et vn court baron ne poit estre tenu mes deuant iudges, & nemy deuant vn iudge, & ideo lou forsq; vn franktenement ou franktenant est, la ne poit estre manor proprement, coment en common parlance ceo poit estre appel vn manor.

Manumission.

MANUMISSION, est le fait sans dūa que est vilein destre franke, & puit estre en deux sorts, le vn est vn manumissio explicita, laue vn manumissio implicita:

Manumission explicita est quant le Seignior fait vn fait al son villeine pur luy enfranchiser per cest parol (manumittere) quod idem est quod extra manum, vel extra potestatem alterius ponere.

Le manner de manumitting ou enfranchising en temps passe plus vsualmente fuit issint: Seignior (en presence de ses vicines) prist le villeine

R. q.

per

The Exposition of

per le test disant, Ieo voile que cest home soit frank, & oue ceo il luy mise auant hors de ses maines, & per ceo il fuit frank sans ascun pluis faire.

Manumissio implicita sans cest parol (Manumittere) est quant le seigneur fait vn obligation a son villeine a payer a luy money al vn certain iour, ou luy sue lou il poit enter sans suit, ou granta al son villeine vn annuitie, ou lessa terre a luy per fait pur ans, ou pur vie, & en diuers tiels semblables cases, le villeine per ceo est fait franke.

by the head saying, I will that this man be free, and therewith shoued him forward out of his handes, & by this he was free without more adoe.

Manumission implied without this worde (Manumittere) is when the Lord maketh an obligation to his villeine to pay him money at a certaine day, or sueth him wher he might enter without suit, or granteth vnto his villein an annuity, or leaseth land to him by deede for peeres, or for life, & in diuers such like cases, & villeine therby is made free.

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Maximes.

MAximes sont les foundations del ley, & les conclusions de reason, & sont causes efficient, & certaine vniuersal propositions, cy sure & perfect que ils ne poyent este a ascun temps impeach ou impugne, mes doyent tous foits este obserue & tenus come fort principes & auctorities de luy mesme, nient obstant

Maximes.

MAximes be the foundations of the lawe, and the conclusions of reason, and are causes efficient, and certaine vniuersal propositions so sure and perfect, that they may not be at any time impeached or impugned, but ought alwayes to bee obserued & holden as strong principles and auctorities of them selues, although they

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they cannot bee proued by force of argument or demonstration logical, but are knowne by induction by the way of sence and memorie: As for example, it is a Maxime that if a man haue issu two sonnes by diuers women, and the one of them purchase landes in fee and dyeth without issue, the other brother shall neuer be his heire &c.

Also it is another maxime, that landes shal discend from the father to his sonne, but not from the sonne to the father, for that is an ascention &c. And diuers like there bee, whereof see more in the Doctor and Student.

303 Maynour.

MAynour, is when a thiefe hath stolen, and is followed with hue and cry & taken, hauing that found about him which he stole, that is called his maynour. And so we commonly vse to saye, when wee finde one doing of an unlawfull act, that we tooke him with the maynour, or manner.

ils ne poyent este proué per force de argument ou demonstration logical, mes sont conus per induction per le voy de sence & memorie: Come pur exemple, il est vn Maxime que si vn home ad issue deux fites per diuers venters, & le vn de eux purchas terres en fee & morust sans issue, l'auter fite ne vnques serra son heire &c.

Item il est vn autre maxime, que terres discendra del pere al fite, mes nemy del fite al pere, car ceo est vn ascention &c. Et diuers riels semblables il y ad, dount veyes plus in le *Doctor & Student*.

Maynour.

MAynour, est quant vn laron ad emblee, & est pursue oue hue & crie & prise, ayant ceo troue ouesq; luy q il ad emblee ceo est appelle maynour. Et issint nous communement vse pur dire quant nous trouomus vn fesant de vn illoyal act, que nous luy prist ouesque le maynor, ou manner.

Rij.

Main-

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304 Maintenance.

MAintenance est lou ascun home done ou deliuer a vn auter que est plaintife ou defendaunt en ascun action, ascun summa dargent ou auter chose pur maintenir son plee, ou fait extreame labour pur luy quant il nad riens a ceo faire, donque lauter partie greue auera vers luy vn briefe appell briefe de Maintenance.

305 Mesne.

MEsne, est lou le owner del terres ou tenemens ceux teigne de vn per certaine seruices, & il ceux tenoyt de vn auter per autiels ou auter seruices, la cestuy que tient les terres est appell tenant per auile, & cestuy de que il teigne est appell mesne, & cestuy de que le mesne tenoit est appell Seignior paramount. Et en cest case si le seignior paramount distraine le tenant, pur les seruice le mesne que luy doit acquite al seignior paramount, donques le tenaunt auer vn briefe vers le mesne, que est appell briefe de

Maintenance.

MAintenance, is where any man giueth or deliuereth to another that is plaintife or defendant in any action, any summe of money or other thing for to maintaine his plee, or els maketh extreme labor for him whē he hath nothing therewith to doe, then the party griued shal haue against him a writ called a writ of Maintenance.

Mesne.

MEsne, is where the owner of landes or tenements holdeth of one by certaine seruices, and hee holdeth them of an other by like or other seruices, then he whi h holdeth the lands is caled tenant per auaille, and he of whome it is held is called Mesne, & hee of whome the Mesne holdeth, is called chiefe lord. And in this case if the lord aboue distraineth the tenant for the seruice of h mesne, whi h ought to acquit him to the lord aboue the the tenant shal haue a writ against the Mesne, which is called a writte of Mesne.

Mesne, & if he come not to acquit the tenant, then the mesne shall lose the service of the tenant & shalbe forfeiudged of his seignorie, & the tenant shall bee tenant immediate to the chiefe lord, & shal doe y same service & suites as the Mesne did to the Lord.

mesne, & si il ne vient pur acquiter le tenant, donque le mesne perdra le service le tenant & serra foriudge de seignorie, & le tenaunt serra tenaunt immediate al chiefe Seigniour, & fra mesmes les services & suites come le mesne fist al Seigniour.

306 Misprision.

Misprision, is when one knoweth that another hath committed treason or felony, and will not discover him to the Queene or to the Counsell, or to any Magistrate, but doth conceale y same. Divers other offences be called misprision, as whē a Chapleine had fixed an old seale of a Patent to a newe Patent of Nonresidence, and this was holden to be Misprision of Treason only, and no counterfaiting of the Queenes seale.

Also if a man know money to be counterfaiete, and bring the same out of Irelande hither into Englande, and utter it in payment, this is but Misprision

Misprision.

Misprision, est quant aucun sceit que vn autre ad fait treason ou felony, & il ne voile luy discover al Roigne, ou la Counsell ou a aucun Magistrate, eins concela son offence: Divers autres offences sont appel misprision, sicome vn Chapleine ad fixe vn auncient seale dun Patent, a vn nouvel Patent de Non residence, & ceo fuit tenuus destle misprision de treason tantum, & nul counterfaiter del seale del Roigne.

Item, si vn autre sceit money destre faux, & port ceo hors de Irelande en Engleterre, & utter ceo en payment, ceo est forsque Misprision

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tion of Treason, & nemy Treason, & issint est en diuers tiels semblable cases.

Et en tous cases de Misprision de treason le partie offender forfaitera ses biens a toutes iours, & les profits de ses terres pur terme de son vie, & son corps al prison, al pleasure del Roigne.

Et pur Misprision de felonie ou trespass, le offender serra committ al prison, tanq; il ad troue surties ou pledges pur son fine, que serra assesse per le discretion de les Iustices deuant que il fuit conuict.

Et nota que en chescun treason ou felonie, est include Misprision, & lou ascun ad fait Treason ou felonie, le Roigne poit causer luy destre indicté & arraigne forsque de misprision solement fil voyle. Vide plus de ceo Stamf. lib. I.

307 Monstrance de faits
ou Records.

Monstrance de faits ou Records, est sicom pur example, vn action de debt

tion of Treason, and no Treason, and so it is in diuers such like cases.

And in all cases of misprision of Treason, the partie offender shall forfeite his goods for ever, & the profits of his landes for terme of his life, & his body to prison at the Queenes pleasure.

And for Misprision of felony or trespass, the offender shall be committed to prison until he haue found sureties or pledges for his fine, which shall be assessed by the discretion of the Justices before whom he was conuict.

And note that in every Treason or felony is included Misprision, & where any hath committed treason or felony, the Queene may cause the same to be indicted & arraigned but of Misprision only if she wil. See more hereof Stamf. for his first booke.

Shewing of deedes
or Records.

Shewing of deedes or Records, is, as if for example, an action of debt
be

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be brought against one
upon an obligatiō by one,
or by executors &c. there
after that the plaintiff hath
declared, he ought to shew
his obligation, & the exe-
cutor the testament to the
court, & so it is of records.

And the diuersitie be-
tweene shewing of deedes
or recorde, and hearing of
deeds or records, is thus:
he that pleades the deedes
or record, or declares up-
on it, to him it doth apper-
tain to shew the same. And
the other agaynst whom
such deed or record is ple-
ded or declared, & is there-
by to be charged, may de-
mand hearing of the same
deede or record, which
his aduersary bringeth or
pleadeth agaynst him.

308 Mortdauncester.

Mortdauncester, Looke
for that before in the
title Cofinage.

309 Monstrauerunt.

Monstrauerunt, is a writ,
and it lyeth for the te-
nants in auncient demes-
ne, & is directed vnto the
Lord, him commaunding
that he distrain not his te-
nant for to do other service

soit port enuers vn sur vn
obligation per vn, ou per
executors &c. la apres que
le plaintife ad declare, il
doit monstre son obliga-
tion, & le executor le te-
stament al Court, & issint
est de records.

Et le diuersitie perenter
Monstrance de faies ou
records, & oyer de faies
ou records, est issint: il
que plede le fait ou re-
cord, ou declare sur ceo, a
luy il appertaine de mon-
stre ceo. Et l'auter vers
que tiel fait ou record est
plede ou declare, & est
per ceo destte charge, poit
demand oyer de ceo fait
ou record, que son aduer-
sarie port, ou plede vers
luy.

Mortdauncester.

Mortdauncester, vide
de ceo deuant en le ti-
tle Cofinage.

Monstrauerunt.

Monstrauerunt, est vn
briefe, & gist pur le te-
nant en auncient demes-
ne, & est direct al Seig-
nior, luy commaundant
que il ne distraine son te-
nant pur faire auter service
que

The Exposition of

que faire ne duissoit, & ils poyent auer cest briefe direct al Viscont, que il ne suffer le Seignior a distraire les dits tenaunts pur faire auter seruice,

Auxy si les tenants ne poyent este en quiet, ils poient auer vn Attachmēt vers le Seignior dapperer deuāt les Iustices, & tous les nosmes des tenants seront mise en le brē, comment que forsq; vn de eux soit greue solement.

Auxy si ascun terre en auncient demesne soit en variance enter les tenants, donques le tenant issint greue auera vers auter briefe quod vocatur Droit close secundum consuetudinem manerij, & ceo sera tous foirs port en le court le Seignior, et sur ceo il countera en le nature de quel briefe il voit, come son case gist, & cest briefe ne sera remoue sinon pur graund cause ou non power de le Court.

Auxy si le Seignior en auter lieu hors de aunciet demesne distraine son tenant de faire auter seruice

that he ought not to do, & they may haue this writ directed to the shirife, that he suffer not the Lord to distraine the said tenants for to do other seruice.

Also if the tenants cannot be in quiet, they may haue an Attachment against the Lord to appear before the Justices, and all the names of the tenants shall be put in that writ, though but one of them be greued onely.

Also if any landes in auncient demesne be in variance betweene the tenants, then the tenant so greued shal haue against the other a writ which is called of Right close after the custome of the manor, and that shall be alway brought in the Lordes court, and thereupon he shal declare in the nature of what writ he wil, as his case lyeth, and this writ shall not be remoued but for a great cause or no power of the Court.

Also if the Lord in an other place out of auncient demesne distraine his tenant to do other seruice then

then he ought, he shal haue a writ of right, called Ne iniuste vexes, and it is a writ of right patent which shall be tried by battell or graund assise.

que il ne doit, il auera brief de droit, appelle Ne iniuste vexes, & cest vn brief de droit patent que serra trie per battell ou graund assise.

310 Mortgage, or Mortgage.

Mortgage, or Mortgage is when a man maketh a feoffment to an other on such condition, that if the feoffor pay to the feoffee at a certain day xl. li. of money, that then the feoffor may reenter &c. in this case the feoffee is called tenant in Mortgage. And as a man may make a feoffment in fee in mortgage, so he may make a gift in taile, or a lease for terme of life, or for terme of yeeres in Mortgage. And it seemeth that the cause why it is called Mortgage, is for that it standeth in doubt, whether the feoffor will pay the money at the day appointed or not, and if he fayle to pay, then the land which he laid in gage vpon condition of paymēt of the money, is gone from him

Mortgage, ou Mortgage.

Mortgage, ou Mortgage est quant vn fait vn feoffment a vn autre sur tiel condition, que si le feoffour paya al feoffee a certain iour xl. li. d'argent, que adonques le feoffor poit reenter &c. en ceo case le feoffee est appelle tenant en Mortgage. Et si come vn home poit faire feoffment en fee en mortgage, ilsint il poit faire done en le taile, ou lease pur terme de vie, ou pur terme dans en Mortgage. Et il semble que la cause pur que il est appel Mortgage, est pur ceo que il estoit en aweroult, si le feoffour voyle payer al iour limitte le argent ou non, & si il ne paya pas, donques le terre que il mist en gage sur condition de payment de le money, est ale de luy
a tous

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a toutes iours, & ilsint mort a luy sur condition: mes si il paie le money, donques est le gage mort quant a le tenant, cest a scauoir, le feoffee, & pur cest cause il est appel en Latin, Mortuū vadium, cōe Master Littleton dit, ou mortuum vas, come ieo pense.

Auxy si feoffement soit fait en Mortgage sur condition, que si le feoffor paye tiel somme a tiel iour &c. & le feoffor morust deuant le iour, vncore si l'heire le feoffor paie mesme le somme a mesme le iour al feoffee, & le feoffee ceo refusa, donqs l'heire le feoffor poit entrer: Mes en tiel case, si ne soit aucun iour de paymēt expresse, donques tiel tender del heire est voide, pur ceo que quant le feoffor morust, le temps del tender est passe, ou autrement les heires le feoffor aueront temps del tender a toutes iours, que serra inconuenient, que vn auera vn fee simple a luy & a ses heires que serra defensible tous foits a le pleasure & volunt de auters,

for euer, & so dead to him vpon condition: but if he pay the money, then is the gage dead as to the tenāt, that is to say, the feoffee, and for this cause it is called in Latin, Mortuū vadium, as Master Littleton sayth, or rather mortuum vas, as I think.

Also if a feoffement be made in Mortgage vpon condition, that if the feffor pay such a summe at such a day &c. and the feffor dyeth before the day, yet if the heire of the feffor pay the same summe at the same day to the feoffee, and the feoffee refuseth it, then the heire of the feffor may enter: But in such a case, if there be no day of payment expressed, then such tender of the heire is voide, for that that when the feffor dyeth, the time of tender is past, or otherwise the heires of the feffor shall haue time of the tender for euer, which shall be inconuenient, that one shall haue a fee simple to him and to his heires which shall be defensible alwayes at the pleasure & will of others, but

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but in þe first case the time of tender was not expired by the death of the feoffor.

mes en le primer case le temps del tender ne fuit expire p la mort le fessor.

311 Moderata misericordia.

MOderata misericordia, is a writ, and it lieth where a man is amerced in court Baron or countie more then he ought to be, thē he shall haue this writ directed to þe shirife if it be in the countie or to the bailife if it be in the court baron cōmanding them that they amerce him not, but hauing regard to the quantitie of þe trespass, & if they do not bpō this writ, then shall go forth against thē, a sicut alias, and Causam nobis significes and after that an attachment.

Moderata misericordia.

MOderata misericordia, est vn briefe & gist lou home est amercy en court Baron ou Countie plus que deuer este, donques il auer cest briefe directe al Vicont si soit en countie ou al Bailife si soit en Court Baron, eux comandant que ils ne luy amerciont, mes cient regard al quantitie de trespass, & s'ils ne font sur cel briefe, donques isserra vers eux vn sicut alias & causam nobis significes & apres ceo vn attachment.

312 Mortmaine.

Mortmaine, is where landes is giuen to a house of religiō, or to another cōpany which be corporate by þe kings graunt, then the land is come into mortmaine, that is to saie in English, a dead hand, & then the king or the Lord of whome the land is hol-

Mortmaine.

Mortmain est lou terres sont dones a vn maison de religion ou a vn autre company que sont corporate per le graunt le Roy, donque cest terf est deuenus en mortmaine, cest a dire en Angloys a deade hand, & donque le roy ou le Sñr de que le terf est tenu

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nus poit enter come ap-
piert en lestatute de *Reli-
giosis*, ideo vide lestatute,
Auxi si vn fait feoffement
sur confidence a certaine
psons al oeps de vn mea-
son de religion, ou oeps
de ascun gyld ou fraterni-
tie corporate, donque il
serra dit mortmaine, & il
encourage mesme le paine,
vt patet per statute, Anno
15.R.2.

313 **Mulier.**

MVlier, est vn parol vse
en nostre ley, mes cõe
apment, ieo ne poy dire
ne scay bien, Car accordāt
al proper significatiō, *Mu-
lier* est *fæmina corrupta*,
sicome il est vse per *Vlpia-
nus*, en vn certeine lieu en
ziel maner. Quod si ego
me virginem emere puta-
rem cum esset mulier, em-
ptio non valebit. Per ceo
poies voyer, que mulier est
vn feme que ad ewe le cõ-
panie dun home: Mes a re-
linquisher le droit signifi-
cation, *Mulier* est prise en
nostre ley, pur vn q̄ est loy-
alment engender & nee: &
est toutes dits vse en com-
parison ouesque vn bas-

den, may enter as it ap-
peareth by the statute de
Religiosis; Therefore see
the Statute. Also if one
make a feoffement vpon
trust to certain persons to
the vse of a house of *Reli-
gion*, or to the vse of any
gyld or fraternity corpor-
ate, then it shalbee said
mortmaine, and then hee
shal run in the same paine,
as it appeareth by the sta-
tute Anno 15.R.2.

Mulier.

MVlier, is a word bled in
our law, but how apt-
ly I cānot wel learn: For
according to h̄ proper sig-
nification, *Mulier* is a de-
filed woman, like as it is
bled by *Vlpianus* in a cer-
taine place after this sort:
If I thought that I had
bought a Virgin, whē she
was a defiled woman, the
bargaine was not good.
Hereby you may see, that
Mulier is a woman h̄ hath
had the company of a mā.
But to leaue the right sig-
nification, *Mulier* is taken
in our law for one that is
lawfully begotten & born:
and is alwayes bled in
comparison with a bas-
tard,

tard, onely to shew a difference betweene them, as thus for example. A man hath a sonne of a woman before marriage, that is called a bastarde, and unlawful. And after he marryeth, the Mother of the bastard, and they haue another sonne, this seconde sonne is caled Mulier, that is to say lawfull, and shal be heire to his father: but that other cannot be heire to any man, because it is not knownen nor certaine in the iudgement of the law, who was his father, and for that cause is said to be no mans sonne, or the sonne of the people, and so without father, according to these old verses:

To whom the people father is, to him is father none & all.

To whom the people father is, well fatherlesse we may him call.

And alwayes you shall finde this addition to them (Bastard eldest, and Mulier yongest,) when they be compared together.

tard solement pur monstre vn difference parent eux, come pur exemple. Vn home ad vn fites per vn feme deuant marriage, cest issue est appel vn bastarde & illoyall. Et apres il marrie oue le mier del bastarde, & ount vn autre fites, cest seconde fites est appel *Mulier*, cest adire loyall, & serra heire al son pere: mes le autre ne poit este heire al ascun home, pur ceo que il n'est conus ne certaine en le iudgement del ley, que fuit son pere, & pur cest cause est dit, deste nullius filius, ou filius populi, & ifsint sans pere accordant al cestuy viele verses.

Cui pater est populus, pater est sibi nullus & omnis.

Cui pater est populus, non habet ipse patrem.

Et toutes foites vous troueres cest addition al eux (Bastard eigne, & Mulier puisne,) quant ils sont compare ensemble.

The Exposition of

314 Murder.

MVrder est vn voluntarie occider dun home sur malice prepenſe, & ſemble de venger de le Saxon paroll Mordren que iſſint ſignifie. Et Mordridus eſt le murderer tanque al ceſt iour enter eux en Saxonie, de que nous auomus mu'ts de noſtre parolx come ad eſtre ſouent dit. Ou poit eſtre deriue de Mort & dire, quaſi mors dira. Vide Stamf. Pleeſ de le Corone lib. 1.

N

315 Natiuo habendo.

Natiuo habendo, eſt vn briefe, & giſt lou le villein ou nieſe dun Seignior eſt ale de luy, donques le Seignior auera ceſt briefe direct al vicont, que il face le Seignior auer ſon villein ou nieſe oueſque tous ſes chareux.

Auxy en ceſt briefe pluſors villeines ou nieſes ne purront eſte demaundes que deux, mes auxy tantſ des villeines ou nieſes que voient, iointment poyent porter briefe De libertate probanda.

Murder.

MVrder, is a wilfull killing of a man by o'manly force thought, and ſeemeth to come of the Saxon worde Mordren which ſo ſignifieth: And Mordridus, is the murderer euen until this day among them in Saxonie, fro whence we haue moſt of our wordes as hath bene often ſaide. Or it may be deriued of Mort and dire, as mors dira. See Stamf. Pleeſ of the Crowne lib. 1.

N

Natiuo habendo.

Natiuo habendo, is a writ, and it lieth where the villein or nieſe of the Lord is gon from hym, then the Lord ſhall haue this writ directed to the Shiriſſe, that he make his Lord to haue his villein or nieſe with al his goods.

Alſo in this writ more villeines or nieſes may not be demaunded then twaine, but as many villeines or nieſes as will, iointly may bring a writ De Libertate probanda.

Termes of the Law.

137

Also if a billeyne or niese bring his writ *De libertate probanda*, befoze that the Lord bring his writ, then the villeine plaintife shall be in peace till the coming of the Justices or else his writ shall not helpe him.

Also if a villeine have tarried in auncien demesne one yeere & a day without clayme of the Lord, then he cannot seise him in the said franchise.

316 *Ne admittas.*

NE admittas is a writte directed to the Bishop at the suite of one which is patron of any Church, and he doubteth that the Bishop will collate one his Clerke, or admit an other Clerke presented by an other man to the same benefice: then hee that doubteth it shal have this writ to forbid the Shirife to collate or admit any to that Church.

317 *Non omittas propter libertatē.*

NON omittas propter libertatem is a writ, & it lieth where the Shirife returneth vpon a writ to him directed, that he hath

Auxy si vn nief port brief *De libertate probanda* auant que le Seignior port cest brief donques le villeine pl' ou niese serra en peace iesque al venue des Justices, ou autrement son bre ne luy aidera.

Auxy si vn villeine ad demurre en auncien demesne per vn an & vn iour fans claine del Seignior, dōques il ne poit luy seiser deins le dit franchise.

Ne admittas.

NE admittas est vn brief direct al Euesque al suit de vn que est patrō de ascūn Esglise, & il doubta que Leuesque voit collate vn son Clerke, ou admit vn auter Clerke present per auter home al dit benefice: donques il que ceo doubta auera cest briefe de inhibiter le vicont de collater ou admitter ascun a son Esglise.

317 *Non omittas propter libertatem.*

NON omittas propter libertatem est vn brief, & gist lou le Vicount retourne sur briefe a luy direct, que il ad
S. j. maund

The Exposition of

maund al Bailife de tiel franchise que auer returne des briefes, & il nad serue le briefe, dōques le plain- rife auera cest briefe di- rect al Vicont, que il luy mesme enter en le fraun- chise & execute le briefe le Roy.

Auxyle le Vicont garne- ra le Bailife que il soit deuant les Iustices al iour contenu en le briefe, & sil ne vient & luy acquite, donques tous les briefes iudicials que passeront hors del Court le Roy durant mesme le plee, ser- ront briefes de Non c- mittas &c. & le Vicount ferra executiō de eux pē- dant cel plee.

318 Negatiua preg- nans.

Negatiua preignans, est quant vn action ou information, ou tiel sem- blable sute est port enuers vn, & le defendant plede en barre del action, ou auterment vn negatiue plee, que nest cy special aunswere al action, mes que il enclude auxy vn affirmatiue. Come pur

sent to the Bailife of such a franchise which hath re- turne of writs, & hee hath not serued the writ, then the plaintiff shal haue this writ directed to the Shiri- rife, that he himselfe enter into the franchise and exe- cute the kings writ.

Also the Shirife shall warne the baylife that he be before the Justice at ̄ day contained in the writ, & if he come not, & excuse himselfe, then al the writs iudicials which shal passe out of the Kings Court during the same plee, shal- be writs De non omittas &c. and the Shirife shall make execution of them hanging that plee.

Negatiua preg- nans.

Negatiua pregnans, is when an action or in- formation, or such like is brought against one, & the defendant pleadeth in barre of the action, or o- therwise, a negatiue plee, which is not so speciall an answere to the action, but that it includeth also an affirmatiue: As for example:

example: If in a writte of Entre in casu prouiso, brought by him in the reuerſion vpon alienation by the tenant for life, ſuppoſing he hath aliened in fee (which is a forfeiture of his eſtate) & the tenant to the writ ſayeth that hee hath not aliened in fee, this is a negatiue, where in is included an affirmatiue: for although it be true, that he hath not aliened in fee, yet it may be that hee hath made an eſtate in taile (which is alſo a forfeiture) & then the entrie of him in the reuerſion is lawfull &c.

Alſo in a Quare impedit the Queene makes title to preſent to a Prebend, for that the temporalities of the Biſhopricke were in her hands by the death of W. late Biſhop &c. The defendanſ ſaith that it was not voyde beeing the Temporalities in the Quenes hands by the death of W. this is a Negatiue preignans, for it may be in the Quenes hands otherwiſe then by the death of W. and it ſufficeth

example: Si en brief de Entre in casu prouiso, port per ceſtuy en le reuerſion ſur alienation per le tenaunt pur vie, ſuppoſant que il ad alien en fee (que eſt vn forfeiture de ſon eſtate) & le tenaunt al brieve dit, que il nad alien in fee, ceſt vn negatiue, en que eſt enclue vn affirmatiue: car nient obſtant il ſoit veray que il nad alien en fee, vncore il poit eſtre que il ad fait vn eſtate entaile (le quel eſt auxy vn forfeiture) & donques le entrie de ce luy en le reuerſion eſt loy al &c.

Item en vn Quare impedit, le Roigne fiſt title de preſenter a vn Prebend; ratiue que les temporalities de leueſcherie furent en ſa maines per le mort de W. nuper Episcopi &c. Le defendanſ diſt que ne voida pas eſteantes les temporalities en les maines del Roigne per le mort de W. ceſt vn negatiue preignans, car il poit eſtre en les mains del Roigne, autrement que per le mort de W. & il ſuffiſt

The Exposition of

al Roigne si soit en sa mains &c.

Issint est lou vn Information fuit port in Scaccario vers I.S. pur ceo que il achate laines enter sheering temps & le Assumption tali anno de I.N. Le defendaunt dit quod non emit de I.N. come il est alleage &c. ceo est appel vn Negatiue preignans, car sil ceo achate de auer, vncore il est culpable pur le achater.

319 Ne iniuste vexes.

NE iniuste vexes, Vide de ceo deuant titulo Monstrauerunt.

320 Niese.

Niese, est vn feme que est bonde, ou vn villeine feme, mes si el marrie vn franke home, el est per ceo fait franke, pur ceo que el & son baron sont forsque vn person en ley, & el couient estre de mesme le nature & condition en ley a tous intents come son baron. Mes sa baron est frank a tous intents sans ascun condition en ley, ou autrement: & issint per consequens, le feme couient

the Queene if it be in her hāds by any meanes &c.

So it is where an Information was brought in the Eschequer against J. S. for he bought wooll betweene sheering time & the Assumptiō such a yere of J.N. The defendant saith he did not buy any of J.N. as it is alleaged &c. this is called a Negatiue preignans, for if hee bought it of any other, yet he is culpabl for he buying.

Ne iniuste vexes.

NE iniuste vexes, Looke therefore befoze in the title Monstrauerunt.

Niese.

Niese, is a woman that is bound, or a villeine woman, but if shee marrie a free man, shee is thereby made free, because that she and her husbande are but one person in lawe, and shee ought to bee of the same nature and condition in lawe to al ententes that her husband is. But her husband is free to all intents without any condition in lawe or otherwise: and so by consequens the wife ought to

to bee, & is free according to the nature of her free husband, & then if she were once free & cleerly discharged of bondage to all intents, shee can not be niese after without especial acte done by her, as diuorce, or cōfessio in court of record, and that is in fauour of libertie, and therefore a free woman shall not bee bond by taking of a villeine to her husband: But their issue shall be villeins as their father was, which is contrary to the Ciuil law, for there it is saide, the birth followeth the bellie.

Bondage or Villenage had beginning among the Hebrewes, and his original proceeding of Chanaan the Sonne of Cham, who because hee had mocked his Father Noe to scoorne, lying dissolutely when hee was drunk, was punished in his Sonne Chanaan with penalty of bondage.

321 Nihil dicit.

Nihil dicit, is when an action is brought against a man, & the defendant appeares, the plaintiff declares, & the defend-

est, & est frank accordant al nature de son frank baron, & donques si el soit vn foits frank & clerement discharge de villenage a toutes intents, el ne poit estre niese apres sans especial act fait per luy, come diuorce ou conusans en court de record, & ceo est en fauour de libertie, & pur ceo vn franke feme ne serra villeine per prisel del villeine al son baron: Mes leur issue serra villeines come leur pere fuit, que est contrarie a le ley Ciuil, car la est dit, partus sequitur ventrem.

Bondage ou villenage ad son commencement enter les Hebrewes, & son originall proceeding de Chanaan le fits de Cham, que pur ceo que il auoit derisee son pere Noe gysant dissolutement quant il fuit ebrie, fuit puny en son fits Chanaan ouesque penaltie de bondage.

Nihil dicit.

Nihil dicit, est quant vn action est port enuers vn home, & le defendant appeare, le plaintiff declare, & le defendant

S.iiij.

dant

The Exposition of

dant ne voile responder,
ou plede al action, & ne
mainteine son plee, mes
fait defaute, ore sur cest
default, il serā condempne,
quia nihil dicit.

322 Nisi prius.

Nisi prius, est vn briefe
iudicial, & gist quant
lenquest est empanell &
retourne deuant les Iusti-
ces en banke, donques le
plaintife ou defendaunt
puyt auer cest briefe di-
recte al yicont, luy com-
maundaunt que il face ve-
nir la enquest deuant les
Iustices en mesm le coun-
tie a lour venir la destre
determine, & ceo pur ease-
ment denquest.

323 Nomination.

Nomination, est ou vne
poit en droit de son
mannour ou auterment
nominate, & appoint vn
able Clerke, ou home al
vn Parsonage, Vicarage,
ou tiel spirituall promo-
tion, Et nota que cest
nomination doit estre al
auer que lordinarie, que
auter luy presentera al Or-
dinarie.

dant will not answer, or
pleds to the action, & doth
not maintain his plee, but
makes default, now upon
this default, he shal be con-
demned, because hee saith
nothing.

Nisi prius.

Nisi prius, is a writ iudi-
cial, and it lieth when
an inquest is empanelled
& returned before the Ju-
stices in the bench, the the
plaintif or defendant may
haue this writ directed to
the Shyrife, him comman-
ding that he cause the en-
quest to come before the
Justices in the same county
at their coming to be de-
termined, and that for the
casing of the enquest.

Nomination.

Nomination, is where
one may in right of his
Mannour or otherwise,
nominate and appoint a
worthy Clerke or man to
a Parsonage, Vicarage,
or such like spirituall pro-
motion. And note that this
nomination ought to be to
another then the ordinarie,
whi h other shall present
him to the Ordinarie.

Nonabili-

Jeremiah Webster Scribe & me in anno 1700

324 Nonabilitie.

NOnabilitie, is where an actiō is brought against one, & the defendand saith that the plaintife is not able to sue any action, and demandeth iudgment if he shalbe answered. There are sixe causes of nonabilitie in the plaintif, as if he be an outlawe, or an alien borne, but þ̄ disabilitie is in actions reals and mixt onely, and not in actions personals, except he be an alien enemy, or condemned in premunire, or professed into an Abbey, Priorie or Friary, or excommunicate, or a villeine, and sue th his Lorde, but this last is no plee for another that is not Lorde to þ̄ villeine. See more hereof in Littleton lib. 2. cap. 11.

Nonabilitie.

NOnabilitie, est lou vn action est port vers vn, & le defendand dit que le plaintife est non able de suer ascun action, & demand iudgment sil serra respond. Il y ad vi. causes de nonabilitie en le plaintife, come sil soit vtlage, ou vne alien nee, mes cest disabilitie est é actions reals & mixt solement & non en actions personals, sinon que il soit vn alien enemy, ou condempne en premunire, ou professe en vn Abbey, Priorie ou Friarie, ou excommenge, ou vn villaine, & sue son Seignour, mes cest darreine nest plee pur auter que nest Seignour al villaine. Vide plus de ceo Littleton lib. 2. cap. 11.

325 Bare, or naked Contract.

BAre Contract, or naked promise, is where a man bargaineth or selleth his lands or goods, or promisseth to giue to one money, or a horse, or to build a house, or do such a thing at such a day, and there is

Nude Contract.

NVde Contract, ou nude promise, est lou vn home bargain ou vend ses tres, ou biens, ou promise pur doner al auter money, ou vn chival, ou a edifier vn meason, ou faiz tiel chose a tiel iour & nul

S. iiii.

nul

The Exposition of

nul recompence appoint
a luy pur le faire de
ceo . Come si vn dit al
auter, ieo vende ou done
a vous toutes mes terres
ou biens . Et la est nul
chose appoint, assigne,
ou agree, que l'auter do-
nera, ou payera pur ceo,
issint que il nad quid pro
quo, cest vn nude con-
tract & void en ley, &
per non performance de
ceo nul action gist, car
ex nudo pacto non oritur
actio.

326 Nuisance.

Nuisance, est lou ascun
home leuye ascun
mure, ou estop ascun ewe
ou fait ascun chose sur
son terre demesne a noy-
ance son prochain, cestuy
que est grieve auera ent vn
briefe appell Assise de
Nuisance . Auxy si il que
fist le nuisance alien la
terre a vn auter, don-
ques cest briefe serra port
deuers ambideux come
appiert per le statute west-
minster. 2. cap. 24.

327 Nuper obiit.

Nuper obiit, est vn briefe
& gist lou vn ad plu-
sors heres, cest ascauoir,

no recompence appointed
to him for y doing thereof.
As if one say to another, I
sell or giue to you all my
lands or goods. And there
is nothing appointed, as-
signed, or agreed bypon
what the other shall giue
or paie for it, so that there
is not one thing for ano-
ther, this is a naked Con-
tract, and void in lawe, &
for not performance ther-
of no action lieth, for of a
naked Contract cometh
no action.

Nuisance.

Nuisance, is where any
man leuieth any wal or
stopeth any water, or doth
any thing bypon his owne
grounde to the unlawfull
hurt and annoyauce of his
neighbor, he y is grieved
may haue thereof an assise
of Nuisance. And if he that
make the Nuisance alien
the lande to another, then
this writ shall be brought
against them both as it
appeareth by the statute
Westminster 2. cap. 24.

Nuper obiit.

Nuper obiit, is a writte &
it lieth where one hath
many heires, that is to say,
many

In John Register h. 3. 3.

many daughters or many
somes, if it be in Gavel-
kind in Kent, and dyeth
seised, & one heire entreth
into all the land, then the
other that he holdeth out,
shal haue this writ against
the coheire that is in. But
a writ of Rationabili parte
lieth in such case where
the auncestor was once
seised, and dyed not sei-
sed of the possession, but in
reuerſion.

plusors files ou plusors
fites, si soit en Gavelkind
en Kent, & deuie seisie, &
vn heire entra en tout la
terre, donques les auters
que sont tenus dehors, a-
ueront cest brieve vers le
coheire que est deins. Mes
brieve de Rationabili parte
gist en tiel case ou launce-
stour fuit vn foites seisie,
& ne morust seisie de pos-
session, mes del reuer-
ſion.

328 Oredelfe.
O Redelfe, is where one
claymes to haue the
Ore that is found in hys
soyle or ground.

Oredelfe.
O Redelfe, est lou vn
clame de auer le Ore
que est troue en son soyle
ou terre.

329 Outfangthiefe.
O Vtfangthiefe, that is,
that theeeues or felons
of your land, or fee, out of
your land, or fee, taken
with felonie or stealing,
shall be brought back to
your court & there iudged.

Outfangthiefe.
O Vtfangthiefe, hoc est
quod latrones de terra
vestra, vel fendo vestro,
extra terrā vestrā, vel feo-
dum vestrū, capti cū latro-
cinio, ad curiā vestrā reuer-
tantur, & ibidē iudicētur.

330 Oweltie.
O Weltie, is when there
is Lord, Mesne, and
tenant, and the tenant hol-
deth of the Mesne by the
same seruices, that the
mesne holdeth ouer of the

Oweltie.
O Weltie, est quant il y
ad Seignior, Mesne,
& tenaunt, & le tenaunt
tient del mesne per mes-
me les seruices que le
mesne tient ouster de le
Seig-

The Exposition of

Seignior paramount : come
si le tenant tient del mesne
per homage , fealtie , &
xx. s. de rent annuelment,
& le mesne tient ouster de
le Seignior paramount per
homage , fealtie , & xx. s.
rent auxy , cest est appelle
Oweltie de seruices.

331 Oier de Recordes
& faits &c.

Oier de records & faits,
est sicome pur exam-
ple , vn action de det soit
port enuers vn home sur
vn obligation , & le defen-
dant appere al action , &
donques pray que il poit
oier le obligation ouel-
que que le plaintife charge
luy.

Issint est quant exe-
cutors port vn action de
dette , & le defendant de-
maunde oier del testa-
ment , sur cest demaund
il serra lye al defendant :
Mes si soit en vn autre
terme , ou apres que le de-
fendant ad imparle , donqs
il nauera le oier . Et issint
come est dit de Faits , est
deste entende de Records
q sont alleage enuers luy.
Veies le title Monstrance
des faits.

Lord aboue him . As if
the tenat hold of the Mes-
ne by homage, fealtie, and
xx. s. of rent perely , & the
Mesne holdeth ouer of the
Lord aboue by homage,
fealtie, & xx. shillings rent
also, this is called Owel-
tie of seruices.

Hearing of Recordes
and deedes &c.

Hearing of Records and
deedes, is as for exam-
ple , an action of debt be
brought against a man
vpon an obligation , & the
defendant apperes to the
action , and then prayeth
that he may heare the ob-
ligation wherewith the
plaintife chargeth him.

So it is when as exe-
cutors bring an action of
debt , & the defendant de-
mandeth to heare the testa-
ment, vpon this demaund
it shalbe read vnto the de-
fendant: But if it be in an
other terme , or after that
thedef hath imparled, then
he shall not heare it. And
so as is said of Deeds, is
to be vnderstood of Re-
cordes that are alleaged a-
gainst him. See the title
Shewing of deeces.

332 Oier

332 Oier & Terminer.

Oier & Terminer, is a writ called in Latine de Audiendo & terminando, and it lyeth where any great or sodain insurrection is made, or any other sodain trespass which requireth hasty reformation, then the King shal direct a commissiō to certain men & Iustices to heare & to determine the same.

Note that euery Iustices of Assise haue also one commissiō of Oier & determine, directed to them, and diuers other inhabitants within the Shires, whereunto their circuite extendeth, whereof ech one of the Iustices of Assise are of the Quorum, for the hearing & determining of diuers offences, which may happen in their circuite, which without the commissiō they could not,

P

333

Pape.

PApe, is an auncient name falsly arrogated, or proudly vsurped by the Bishop of the onely Citie of Rome in Italy, and is

Oier & Terminer.

Oier & Terminer, est briefe appel en Latine de Audiendo & terminando, & gist quant aucun ground ou sodain insurrection est fait, ou aucun autre sodain transgression q̄ require hasty reformation, donqs le Roy directera vn commissiō a certain gēs & Iustices de audiendo & terminando.

Nota que les Iustices de Assise ont vn commissiō de oier & determiner, direct al eux, & diuers autres inhabitants deins les Counties, as queux leur circuite extēde, dont chescun de les Iustices de Assise sont del Quorum, pur le meulx oier & determiner de diuers offences q̄ux poyent a vener en leur circuites, quels sans cel commissiō eux ne poient faire.

P

Pape.

PApe, est vn auncient nosme fausement arrogate, ou haultmēt vsurpe p̄ le Euesq; de le sole Citie de Rome en Italy, & est com-

The Exposition of

communement appelle en Anglois le Pope, vnnosme veramēt mult frequent en nostre auncient annels liuers, specialmēt en les tēps de ceux Royes, q̄ux grandmēt abandonants leur imperial aucthoritie, & abasfats eux mesmes mult debaise leur estate, ne fuerōt honte de suffer vn alien & outlandish Euesq; , que inhabite ouster mille & cinque cent myles de eux, de estre Soueraigne dehault eux en leur dominions demesme, & de toller de eux non solemēt le disposition de certain petite trifles de nul account, mes auxy le nomination de Archeuesques, Euesques, Abbots, Deanes, Prouostes, appropriations de benefices, presentations al parsonages, vicarages, & generalment de toutes spirituall persons a leur preferments, ascun temps per laps, & ascun temps per prouision, ou autrement, per que le Prerogative del Royes fuit mult abridge deins leur Realmes demesme. Pur le repressiō de quel diuers Statutes

commonly Englished the Pope, a name truly much frequent in our auncient peere bookes, specially in the times of those kinges, who too much abandoning their Imperiall aucthoritie, and abasing themselves farre beneath their estate, were not ashamed to suffer an alien and an outlandish Bishop, that dwelt aboute xx. hundred myles from them, to be Soueraigne ouer them in their owne dominions, and to take from them not onely the disposition of certain small trifles of none account, but also the nomination of Archbishops, Bishops, Abbots, Deanes, Prouostes, appropriation of benefices, presentations to parsonages, vicarages, & generally of all spirituall persons to their preferments, sometimes by laps, & sometimes by prouision, or otherwise, whereby the kings princely prerogative was very much abridged within their own realmes. For the repressiō wherof diuers statutes were

were made, but no sufficient remedy vntil king H. 8. did cast off their yoke for him & his subiects.

334 Per que seruitia.

Looke therefore afterward in the title, Quid iuris clamat.

335 Parceners.

Parceners, are according to the course of the common lawe, & according to the custome. Parceners according to the common lawe are where one seised of an estate of inheritance of tenements hath no issue but daughters, & dieth, & the tenements descēd to the daughters, thē they be called Parceners, & are but as one heire. The same law is, if he haue not any issue, & his sisters should be his heirs. But if a man hath but one daughter, she is not called parcener, but she is called the daughter and heir. And if ther be no daughters nor sisters, the lande shall descende to the aunts, and they bee called parceners. Also whē lads descende to diuers parceners, they may make partition betweene thēselues

ont esté fait, mes nul sufficient remedy tanq; roy H. 8, tout oustermt reiect cel iuge d' luy & ses subiectes.

Per que seruitia.

Vide de cēo apres, titulo Quid iuris clamat.

Parceners.

Parceners, sont selonque le cours de common ley, & selonque le custome. Parceners selonq; le common ley sont lou vn seisie dun estate de enheritaunce des tenements ad issue forsque filles & deuie, & les tenements descendent a les filles, donques ils sont appel parceners, & sont forsques vn heire. Mesme le ley est, si neyt ascun issue, & que ses soers serroyent ses heires, Mes si home ad forsque vn file, el nest dit parcener, mes el est dit la file, & la heire. Et si ne sont filles ne soers, les terres descenderont a les aunes & els sont appels parceners. Aux quant terres descendent a diuers parceners, els poyent faire partition enter eux per

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per agreement, mes si aucun deux ne voient faire partition, dunque l'auter ou les autres aueront vn briefe de Participacione facienda direct al vicont que ferra partition entre eux per le serement de xij. loyals homes de la bailiwike. Auxi partition per agreement poit estre fait per le ley, auxibien per parol sans fait come per fait. Et si sont de plein age, le partitiō tous iours demurrera, & ne ferra vnques defete. Mes si les terres sont a eux in le taile, & coment que ils sont cōclues durant leur vies, vncore lissue cestuy que ad le meinder part in value poit disagreer a le partition & enter & occuper in comen ouesque l'auter part. Et auxi si les barons des parceners font partition, quant le baron deuie, la feme poit disagreer a la partition. Auxi si le parcenier que est deins age fait partition, quant el vient a son pleine age, el poit disagreer. Mes el couient bien garder quant el vient a son pleine

by agreemēt, but if any of them will not make partition, thē the other or the others shall haue a writ de Participacione faciēda direct to the shirife, who shall make partition betweene them by the oth of xij. lawful men of the bailiwike. Also partitiō by agreemēt may be made by þe law, as wel by word without deed as by deed. And if they be of ful age the partitiō shall remaine for euer, and shall not at any time be defeted. But if the lands be to thē in the taile, & though that they are concluded during their liues, yet the issue of him which hath the lesser part in value, may disagre from the partitiō, and enter and occupie in comon with the other parte. And also if the husbands of the parceners make partitiō, when the husbände dyeth, the wife may disagree from the partitiō. Also if the parcenier which is within age maketh partition, whē shee cometh to full age shee may disagree, But shee must take good heede whē she cometh to her full age

age that she take not all þe profits to her owne vse of þe lands which were to her allotted, for then she agreth to the partition, and þe age shall alway be entendded the age of xxi. yeares.

Also if there bee diuers Parceners that haue made partition betwene them, & one of their partes bee recouered by lawfull title, then she shall compell the other to make a new partition.

Also they are parceners accordyng to custome, where a man is seised of lands in Gavelkind, as in Kent, & in other places franchised, and hath issue diuers sonnes and die, then the sonnes are parceners by custome.

336 Partition.

PARTITION, is a deuiding of landes descendyng by the common Law, or by Custome among coheires or parceners, where there be two at the least, whether they be sons, daughters, sisters, aunts, or otherwise of kin to the auncestour from whom the land descendyng to them.

age, que el ne preigne toutes les profits a son vse demesne des terres que fueront a luy allotes car donques el soy agre a le partition, & le pleine age serra toutes foies intende al age de xxi, ans.

Auxy si sont diuers Parceners que ont faite partition enter eux, & le part de vn soit recouer vers luy per title loyal, donques el compellera les autres de faire nouel partition.

Auxy ils sont parceners solonque le custome, lou home est seisi des terres en Gavelkind, come en Kent, & autres lieux franchises, & ad issue diuers fites & deuie, donques les fites sont parceners per le custome.

Partition

PARTITION, est vn diuision de terres descendus per le common Ley, ou per Custome perenter coheires ou parceners, ou ils sont deux al meines, soyent ils fites, files, soers, aintes, ou autrement de kinne al auncestour de que le terre discende al eux.

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Et cest partition est fait quatuor voyes par le plus partie, de que trois sont al pleasure & per agreement perenter eux, le quart est per compulsion.

Vn partition per agreement est quant ils mesmes deuide le terre equalment en tantes partes, come la sont de eux coparceners, & chescun de eslier vn share ou part, le eigne primerment, & ifsint lun apres l'auter, come ils sont de age, sinon que le eigne per consent fait le partition, donques le election appertient al prochain, & ifsint al eigne darreinment, accordant come il est dit: Cuius est partitio, alterius est electio.

Vn autre partition per agreement est, quant ils eslient certain de leur amies de faire diuision par eux.

Le tierce partition per agreement est, per trahens de lots ifsint: Primerment de deuider le terre en tantes des partes come la sont parceners: donqs a scribe

And this partition is made foure wayes for the most parte, whereof thre are at pleasure and by agreement among the, the fourth is by compulsion.

One partition by agreement is when they themselves deuide the land equally into so many parts as there bee of them coparceners, and each to chuse one share or part, the eldest first, and so the one after the other, as they be of age, except that the eldest by consent made the partition, then the chouse belongeth to the next, and so to the eldest last, according as it is said: Who so maketh the partition, the other must haue the chouse.

An other partition by agreement is, when they chuse certaine of their friends to make diuision for them.

The third partition by agreement is, by drawing of lots thus: first, to deuide the land into so many partes as there be parceners, then to write euery

euery part seuerally in a little scroll or peece of paper or parchment, and to put the same scrolls by close into a hat, cappe, or other such like thing, and then each parcener, one after another as they be of age, to drawe out thereof one peece or scroll wherein is written a part of the land whiche by this drawing is now seuerally allotted vnto them in fee simple.

The fourth partition which is by compulsion, is when one or some of the coparceners would haue partition, and other some wil not agree thereto, then they that so would haue partition may bring a writ De partitione facienda against the others that would not make partition, by vertue wherof they shall bee compelled to depart &c.

In Kent where the land is of Gavelkind nature, they call at this day their partition *Shifting*, euen the very same worde that the Saxons used, namely *Shiftan*, which signifieth to make

chescun part seueralment en vn petit scrol ou peece de paper ou parchment, & de mitter ceux scrolls close en vn hat, cap, ou autre chose semblable chose, & donques chescun parcener, vn apres autre cōe ils sont de age a traher hors de ceo vn peece ou scrol en q̄ est escript vn part del terre q̄ per cest trahens est ore seueralment allotte al eux en fee simple.

Le quart partition que est per compulsion, est lōu vn ou ascun de les coparceners voient auer partition, & autres ne voient agreer a ceo, dunque ceux que issint voient auer partition poient porter vn briefe de Partitione facienda enuers les autres queux ne voient faire partition, per vertue de quel ils seront compel de departir &c.

En Kent lōu les terres sont de Gavelkind nature, ilz appeale a cest iour leur partition *Shifting*, il mesme parol que les Saxons vse, nosmelement *Shiftan*, que signifie pur faire partition

T.j.

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perenter coheirs, & pur assigner a chescun de eux leur portion, In Latine est appel *Herciscere*.

Partition auxy poit estre fait per iointenants ou tenants en common per leur assent, per fait enter eux, ou per brieve per les statutes de 31 H.8 cap. 1. & 32. H.8. cap. 32.

337 Parties.

PARTIES al fine ou fait, sont ceux queux sont nommes en faits ou fines come parties a ceo, come ceux queux leue le fine, & auxy ils a que le fine est leue. Et ils que sont vn fait de feoffement, & ils a que il est fait sont appellees parties al fait, & issint en auters semblables cases.

Nota que si vn Indenture soit fait enter deux come parties a ceo en le commencement, & en le fait vn de eux graunt ou lessa vn chose al vn auter que nest nome en le commencement, il nest partie al fait, ne prendra riens per ceo.

between coheirs partitio, & to assigne to each of the their portion, In Latine it is called *Herciscere*.

Partition also may be made by *Jointenants* or tenants in comon by their assent, by deede betweene them, or by writte by the statutes of 31. H. 8. cap. 1. and 32. H. 8. cap. 32.

Parties.

PARTIES to a fine or deede are those which are named in deedes or fines as parties to it, as those that leue the same fine, & also they to whome the fine is leued. And they that make a deed of feoffement and they to whome it is made are called parties to the deede, and so in any other like cases.

Note that if an Indenture be made betweene ij. as parties thereto in the beginning, and in the deede one of them graunteth or letteth a thing to another, that is not named in the beginning, he is not partie to the deede, nor shall take any thing thereby,

338 Patron.

Patron is he that hath y^e aduowson of a parsonage, vicarage, free chapel, or such like spirituall promotiō belōging to his mannor, or otherwise in grosse, & thereby may or ought to giue y^e same benefice, or present thereto, whē and as often as it falleth void. And this being patrō or patronage had begimming for the most part by one of these iij. waies, namely either by reasoⁿ of the foundatiō, for that the Patron or his āncestors, or those from whom hee claimes were founders or builders of the church, or by reason of dotation, for y^e they did endow or giue lands to y^e same for maintenance thereof, or els by reason of y^e ground, because the Church was set or builded vpon thei^r soile or ground: And many times by reason of the all three.

339 Perquisites.

Perquisites are aduantages and profits that come to a mannor by casualtie, and not yearly, as Escheates, Hariots,

Patron.

Patron est celuy que ad le aduowson de parsonage, vicarage, frāk chapel, ou tiels semblable spirituall promotions appartient a son mannor, ou autrement en grosse, & per ceo poit ou doit donner mesme le benefice, ou present a ceo, quant & cy tost que il deuiert voide. Et cest esteant patron ou patronage ad commencement pur le plus patre per vn de eux trois voies, nōsmement ou ratione fundationis, pur ceo que le patron ou ses āncestors ou ceux de que il claime fueront founders ou edificiers de le Esglise, ou ratione dotationis, pur ceo q^{uod} ils endow ou done terres al ceo pur maintenāce, ou autrement ratione fundi, pur ceo q^{uod} le Esglise fuit mise ou edifie sur loir soile ou terre: Et diuers tēps per reason de ils tous trois.

Perquisites.

Perquisites sont aduantages & profits queux vient al vn mānor p casualtie, & nō annuellement, come ascheates, hariots,

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Reliefes, waiues, estraies, forfeitures, amerciaments en courts, gardes, mariages, biens & terres purchase per villeins de mesme le manor, fines del copyholds, & diuers semblable choses queux ne sont certain mes happen per chance, ascun temps pluis often que a auter temps. Vide *Perkins* fol. 20. & 21.

Reliefes, waives, strates, forfeitures, Amerciaments in courtes, wards, Mariages, goodes and landes purchased by villeynes of the same manor, fines of copyholdes, & diuers such like thinges that are not certaine but happen by chance, sometimes moze often then at other times. See *Perkins* fol. 20. and 21.

34^o Perambulatione facienda.

Perambulatione facienda.

Perambulatione facienda est vn briefe, & gist lou deux seignories gisot vn pres l'auter, & ascun encroachment est fait per long temps, donques per assent de ambideux seigniors le Vicont prendra ouesque luy les parties & les vicines, & feront perambulation, & feront les mets come ils fueront adeuant, mes si vn seign incroche sur l'auter & il ne voile faire perambulation, donques le seignior issint greue auera brief vers l'auter, que est appel de rationabilibus diuisis.

Perambulatione facienda is a writte, and it lieth where two Lordships lie one nigh another, & some encroachment is made by long time, then by assent of both Lordes the Shirefe shall take with him the parties and the neighbors, & shall make perambulation & shall make the bounds as they were before, but if a lord incroch vpon another, & he will not make perambulation, then the Lord so grieved shall haue a writ against the other, which is called De rationabilibus diuisis.

341 Petit Cape.

Petit Cape is a writ, and it lieth when any action reall, that is to say of plee of land is brought, & the tenant appeareth, and afterwarde maketh default, then this writ of Petite cape shall go forth to seise the lands into the Kings handes, but if he appeare not, but maketh default at the first summons, then a graūd cape shal go forth and for such default the tenant shal lose the land, but if he wage his law of non summons, he shal saue his default, and then hee may plede with the demādaunt. And in graūd cape the tenant shal be summoned to answer to the default, and farther to the demaundant but in petit cape he shal be summoned to answer to the default onely, & not to the demaundant, and it is called Petite cape, for that that there is lesse in this writ.

342 Petit sericantie.

To holde by petite sericantie is as if a mā hold of the king lands or tenementes, peelding to him a

Petit Cape.

Petit Cape est vn briefe, & gift quant ascun action real. s. de plee de terre est port, & le tenant appeare, & puis fait default, donque issira cest briefe de petit cape de seiser les terres en mayne le Roy, mes sil ne appera, mes fait default al piimer sommons, donque issira vn graūd cape, & pur tiel default le tenaunt perdra la terre, mes sil gage son ley de non summons, il sauera son default, & donques il puit plede ouesquele demaundaunt. Et en graūde Cape le tenaunt serra sommon pour responder al default & ouster al demaundaunt, mes in petit Cape il serra summon pur responder al default solement, & nemye al demaundant, & est appell petite cape pur ceo que il ad minus en cel briefe, que en lauter.

Petit sericantie.

Tener per petite sericantie est sicome vn home tient de Roy terres ou tenements, rendant a luy vn
T.iiij. cutell,

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cuttell, vnescue, vnsete, vn arcke sauns corde, ou auter seruice semble, a la volunt le primer feoffor. Et la nappent garde, mariage ne reliefe. Et nota que home ne puit tener per graunde serieantie, ne per petite serieantie, sinon del Roy.

343 **Plaintife.**

PLaintife, est celuy q sue ou cōplaine en vn assise, ou en vn action personall, come en vn action de det, trespas, disceit, & detinue, & tiels semblables.

344 **Pleading.**

PLeadings, sont appels toutes actes del parties al sute apres le count ou declaration, nolement ceo que est conteyne en le barre, replication, & reioynder, & non ceo containe en le count mesme, & pur ceo defaultes en le matter del count, ne sont comprise deins mispleading, ou insufficient pleading, ne sont remedie per le statute de Jeofailes, 32. H. 8. Mes solement ceo mispleading ou insufficient pleading, commit en le barre, replica-

knife, a buckler, an arrow, a bowe without string, or other like seruice at y will of the first feoffor, & there belongeth not ward, marriage ne reliefe. And marke wel that a mā may not holde by graunde nor petite serieantie, but of the King.

Plaintife.

PLaintife is he that such or complaineth in an assise or in an action personal, as in an action of debt, trespasse, disceit, detinue, and such other.

Pleading.

PLeadings, be called all the sayings of the parties to suits after the count or declaration, namely that which is contained in the barre, replication, and reioinder, & not that contained in the count it selfe, & therefore defaultes in the matter of the count are not comprised within mispleading, or insufficient pleading, nor are remedied by the statute of Jeofailes, 32. H. 8. But onely that mispleading, or insufficient pleading, committed in the barre, replication,

tion, and reioinder, are there prouided for.

345 Post disseisin.

Post disseisin, Looke for that before in the title Alsise.

346 Possession.

Possession, is saide two wayes, eyther actual possession, or possession in lawe.

Actuall possession, is when a man entreth in deede into landes or tenementes to him discended, or otherwise. Possession in lawe is when landes or tenementes are discended to a man, and he hath not as yet really, actually, and in deede entred into them. And it is called possession in lawe, because that in the eye, and consideration of the lawe, hee is deemed to be in possession, for as much as he is tenant to every mans action that wil sue concerning the same landes, or tenements.

347 Poundes.

Poundes are in ij. sortes, the one poundes open, the other poundes close.

tion, & reioynder, sont la prouide.

Post disseisin.

Post disseisin, Vide de ceo deuant in le title Alsise.

Possession.

Possession, est dit deux voies, ou actuall possession, ou possession en ley.

Actuall possession, est quant vn home enter en fait en terres, ou tenementes, a luy discende, ou autrement. Possession en ley est quant terres, ou tenementes sont discende al vn home, & il nad vncore realment, actualment, & en fait enter en eux. Et il est appell possession en ley, pur ceo que en le oile, & consideration del ley, il est pense destre en possession, entant que il est tenant a chescun action que aucun voet suer concernant mesmes les terres ou tenements.

Poundes.

Poundes, sont en deux sorts, lun poundes ouert les autres poundes close.

T. iij.

Pound

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Pound ouert, est chescun lyeu en que vn distresse est mysé, soit ceo common pound, tiels que sont en chescun ville ou Seignorie, ou soit ceo backside, court, yarde, pasture, ou autrement quecunque, lou le owner del distresse poit venir a donner eux viande sauns offence pur leur esteant la, ou son venir la.

Pounde close, est tiel lieu, lou le owner del distresse ne poit venir a donner eux viande sans offence, come en vn close maison, ou quecunque autre lieu.

348. **Preamble.**

Preamble ad son nome de le preposition (pre) deuant, & le verbe (Ambulo) pur va, issint ioynt ensemble, ils font un compounde verbe de le primer coniugation (Preambulo) pur vier deuant, & de ceo le primer part ou commencement dun acte est appellé le preamble de acte, le quel preamble est un cliffe de ouer les ments del fersors del acte, & les mischies que ils intende de

Pounde open, is euerie place wherein a distresse is put, whether it be common pound su h as are in euery Towne or Lordship, or whether it bee backside, court, yard, pasture, or els whatsoever, whether the owner of the distresse may come to giue them meate & drinke without offence for their being there, or his comming thither.

Pound close, is such a place, where the owner of the distresse may not come to giue them meate and drinke without offence, as in a close house, or whatsoever els place.

Preamble.

Preamble taketh his name of the preposition (Pre) before, and the verbe (Ambulo) to goe, so ioynted together, they make a compound verbe of the first coniugation (Preambulo) to goe before & hereof the first parte or beginning of an act, is called the preamble of the act, which preamble is a key to open the mindes of the makers of the acte, and the mischies that they intend to remedie

Termes of the Law.

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remedy by the same, as for example the statute made at Westminster the first the 37. cap. with giueth an attainr, the preamble of which is thus: Forasmuch as certain people of the Realm doubt very little to giue false verdicts or othes, which they ought not to doe, whereby many people are disherited and lose their right, it is provided &c.

349 Premunire.

PRemunire, is a writ, and it lyeth where any man sueth any oher in the spiritual court, for any thing that is determinable in the kings court, and that is ordeined by certain Statutes, and great punishment therfore ordeined, as it appeareth by the same statutes, viz. that he shal be out of the kings protection, and that he be put in prison without baile or mainprise till that he haue made fine at the kings will, and that his lands & goods shal be so satt if he come not within two monethes. Also the prouisors, procurators, attur-

remedy per ceo, come pur example le statute fait al Westminster le primer le 37. cap. que done attainr, le preamble de que est issint: Pur ceo que ascuns gentes de la terre doutent meines faux serement faire, que faire ne duissent, per que multes des gentes sont disherites & perdent leur droit, par uiew est &c.

Præmunire.

PRemunire, est vn briefe, & gist lou ascun home sue ascun auter en court chistian, pur ascun chose que est determinable en le court le Roy, & ceo est ordene per certaine Statutes, et graund punishment a ceo ordene, come appiert per mesme les Statutes, cest scauoir, que il serra hors de protection le Roy, & que soit mis en prison sans baile cu mainprise tanque ils ad fayt fine al volunt le Roy, & que ses terres & chateux serront forfaites si il ne veigne deins deux mois. Auxy leur prouisors, procurators, attur-

neis,

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neis, executors, notaries, & maintainors, seront punish en mesme le maner, ideo vide Statutu.

Auxy ascuns dient que si vn Clerk sue autr hōe en court de Rome pur chose spiritual, lou il poit auer remedie deins cest Realm in court son Ordinarie, que il serra en case del statute.

Et sur diuers autres offenses est impose per statutes depuis fait le penaltie que eux incurre queux fneront attaintes en Premunire. Come per 13. El. cap. 8. ceux que aydont a faire corrupt bargaine sur que vsurie est reserue ouster x. li. pur le hundreth en lan &c.

350 **P**recipe in capite.

PRecipe in capite, est vn briefe, & gist lou le tenant que tient del Roy en chiefe, come de sa corone, & il est deforce, cest adire, ouste de son fre, donques il auera cest brief, & cest briefe serra close, & serra plede en le common bank.

Auxy si ascun tenant que

neis, executors, notaries, & maintainors, shal be punished in the same maner, therfore look the statute.

Also some men say, that if a Clerke sue an other man in the court of Rome for a thing spiritual where he may haue remedie with in the realm in the court of his Ordinary, that he shal be win the case of the stat.

And upon diuers other offences is imposed by Statutes lately made the penaltie that they incurre which are attainted in premunire. As by 13. Eliz. cap. 8. they which are ayding to make a corrupt bargaine whereupon vsurie is reserued aboue the tenne pounds in the hundred in the yeere &c.

Precipe in capite.

PRecipe in capite, is a writ, and it lyeth where the tenant holdeth of the King in chiefe, as of hys crowne, & he is deforced, that is to say, put out of his land then he shal haue this writ, & this writ shal be close, & shal be pleaded in the common place.

Also if any tenant which holdeth

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holdeth of any lord be de-
forced, it behoueth him to
sue a writ of Right patent
which shall be determined
in the Lords court. But
if the land be holden of the
king, the writ of right pa-
tent shall be brought to the
kings court: and this writ
may be removed from the
Lords court vnto the county
by a Tolt, & from the coun-
tie into the common place
by a Pone. Look therfore
before in the title Droit.

351 Prescription.

PRescription, is when a
man claimeth any thing
for that he, his aunces-
tors, or predecessors, or
they whose estate he hath,
haue had or vsed anything
all the time whereof no
mind is to the contrary.

But one may not pre-
scribe against a statut, ex-
cept he haue an other sta-
tute that serueth for him.

352 Presentment.

Presentment, is of two
significations: one is
presentment to a Church,
which whē any man which
hath right to giue any be-
nefice spirituall, & nameth
the person to the Bishop.

tient de ascun Seigni-
our soit deforce, luy co-
uient suer brieve de Droit
patent que serra deter-
mine en le court le Seig-
nior. Mes si le terre soit
tenus de Roy, le brieve de
droit patent serra port en
al court de Roy. Et cest
brieve poit este remoue de
la court le Seignior en le
Countie per vn Tolt, & de
la Countie en common
banke per vn Pone. Ideo
vide deuant titulo Droit.

Prescription.

PRescription, est quane
vn person clame ascun
chose, pur ceo que il, ses
auncestors, ou predeces-
sors, ou ceux que estate il
ad, ont eu ou vse ascun
chose dont nul memorie
cort al contrarie.

Mes ne poit prescribe
enconter vn estatute, sinon
que il ad autre statute que
serue pur luy.

Presentment.

Presentment, est equivo-
cum: lun est present-
ment al Esglise, quel
quant ascun home que
ad droit a doner ascun
benefice spirituall, & nos-
me le person al Euesque.

The Exposition of

a que il voit le doner, & fait vn letter al Euesque pur luy, ceo est vn presentation ou presentmēt. Mes si diuers coheires ne poyent accorder en presentmēt, le presentee de leigne serra admitte. Mes de Jointenants & tenants en common, si ils ne accordent deins les sixe moys, le Euesque presentera per laps.

Lauter est vn presentment ou Information per ascū Iurie en vn court, devant ascun officer la q̄ ad authoritie de punisher ascun offēce fait cōtra le ley.

353 **P**retensed droit ou Title.

Pretensed droit ou Title, est lou vn est en possession de terres ou tenemens, & vn autre que est hors de possession, clame ceo, ou sue pur ceo: Orē le pretended droit ou title est dit en luy, que issint sue ou clame. Et si il puis vient a le possession de mesme les terres ou tenements, son droit ou title est annexé al terre & possession, & nient donque appel droit.

to whom he will giue it, & maketh a writing to the Bishop for him, that is a presentation or presentmēt. But if dyuers coheires may not agree in presentment, the presentee of the eldest shall be admitted. But of Jointenants & tenants in common, if they agree not within vi. monethes, the Bishop shall present by laps.

The other is a presentmēt or information by any iurie in a court, before any officer which hath authority to punish any offence done contrary to the law.

Pretensed right or Title.

Pretensed right or Title, is where one is in possession of lands or tenements, & an other who is out of possession, claimeth it, or sueth for it: Now the pretended right or title is said in him, who so doth sue or clame. And if he afterward come to the possession of the same landes or tenements, his right or title is annexed to the lād and possession, and not then called right.

334 Priuie or Priuities.

Priuie or Priuities, is where a leas is made to hold at wil, for yeeres, for life, or a feoffment in fee, and in diuers other cases, now because of this that hath passed between these parties, they are called priuies in respect of strangers between whom no such dealings, or conueyances hath bin.

Also if there be **Lorde** and tenant, and the tenant holdeth of the **Lorde** by certeine seruice, there is a priuie betweene them because of the tenure, and if the tenant be disseised by a **Straunger**, there is no priuie betweene the disseisor & the **Lorde**, but the priuie still remaineth betweene the **Lord** and the tenaunt that is disseised, & the lord shall auowe vpon him, for that hee is his tenaunt in right & in the Iudgement of the law. Priuies are in diuers sortes, as namelly priuie in estate, priuies in deede, priuies in lawe, priuies in right, and priuies in bloud.

Priuie ou Priuities.

Priuie ou Priuities, est lou vn lease est fait a tener a volunt, pur ans, pur vie, ou vn feoffment en fee, & en diuers autres cases, ore pur ceo de ceo que ad passe perenter ceux parties ils sont appel priuies, en respect de estrangers perenter queux nul tiel conueiances ad estre.

Auxy si soit Seygnour & tenaunt, & le tenaunt tient del Seignour per certeine seruice, il y ad vn priuie perenter eux per cause de tenure, & si le tenaunt soit disseise per vn estranger, il ad nul priuie perenter le disseysour & le Seignour, mes le priuie vncore demurt perent le Seign & le tenaunt que est disseise, & le Seignour auowera sur luy pur ceo que il est son tenaunt en droit, & en le iudgement del ley. Priuies sont en diuers sortes come nousment, priuies en estate, priuies en fait, priuies en ley, priuies en droit, & priuies en sange.

priuies

The Exposition of

Priuies en estate, est lou vn lease est fait del man- nor de Dale al A. pur vie, le remainder al B. en fee; la & A. & B. son priuies en estate; car lour estates fueront fait ambideux al vn temps.

Et issint est en le pri- mer case cy; ou vn lease est fait al volunt; pur vie; ou ans, ou vn feoffement en fee, les lessees ou fes- fees sont appell priuies en estate, & issint sont lour heires &c.

Priuies en fait est lou vn lease est fait pur vie, & apres per vn auter fait, le reuerfion est graunt al vn estraunger en fee, cest grauntée del reuerfion est appell priuie en fait; pur ceo que il ad le reuerfion per fait;

Priuie en ley est lou il est Seignior & tenaunt, le tenaunt lessa le tenancie pur vie & morust fauns heire & le reuerfion es- cheate al Seignior, il est dit priuie en ley; pur ceo que il ad son estate sole- ment per le ley, cest adire per escheat;

Priuies in estate is where a lease is made of the manor of Dale to A. for life, the remainder to B. in fee, ther both A. and B. are priuies in estate, for their estates were bothe made at one time.

And so it is in the first case heere; where a lease is made at will, for life or yeares, or a feoffement in fee, the lessees or fes- fees are called priuies in estate, and so are their heires &c.

Priuies in deede is where a lease is made for life, and afterwarde by an other deede the reuerfion is graunted to a Straun- ger in fee, this graunttee of the reuerfion is called priuie in deed, because that hee hath the reuerfion by deede.

Priuie in law is where there is Lord and tenant, the tenaunt lesseth the te- nancie for life and dyeth without heire, and the re- uersio escheats to the lord hee is said priuie in lawe, because that he hath his es- tate onely by the law, that is to say, by escheate.

Priuie

Priuie in right is where one possesse of a terme for yeeres; Grauntes his estate to another vpon condition, and maketh his executors and dieth, now these executors are priuies in right, for if the condition be broken, and they enter into the lande, they shall haue it in the right of their testator, and to his vse.

Priuie of blood is the heire of the feoffour or donor &c.

Also if a fine be leuied, the heires of him that leuieth the fine are called priuies.

355 Priuiledges.

Priuiledges, are liberties & franchises graunted to an office, place, towne, or manor, by the Queens great charter, letters patents, or act of Parliament: as Tolle, Sake, Socke, Infangthiefe, Outfangthiefe, Turne, Oredelfe, and diuers such like, for which looke in their proper titles and places.

Priuie en droit est lou vn possesse dun terme pur ans, graunta son estate al vn auter sur condition, & fait ses executors & morust, ore ceux executors sont priuies en droit, car si le condition soit enfreint, & ils entrent en le terre, ils aueront ceo en le droit de leur testatour, & a son vse.

Priuie de sanke est le heire de le feoffour ou donor &c.

Item si vn fine soit leuie, les heires de celuy que leuie le fine sont appelle priuies.

Priuiledges.

Priuiledges, sont libertes & franchises grannt al vn office, lieu, ville, ou mannor, per la graund charter del Roigne, letters patents, ou act de Parliament: come Tolle, Sake, Socke, Infangthiefe, Outfangthiefe, Turne, Oredelfe, & diuers tielx semblables, pur queux veies en leur proper titles & lieux.

The Exposition of

356

Proces.

Proces, sont les briefes & preceptes que issuant sur le originall: Et in actions reals & personels sont diuers sortes de proces, car en actions reals proces est *Graunde Cape* deuant apparance: Ideo vide de ceo en le title *Petite Cape*.

Mes en actions personals, come en dette, trespass, ou detinue, le proces est vn distresse, & si le Vicont retourne *Nihil habet in balliu* &c. donques le proces est alias *Capias*, & pluries, & vn *Exigent*, & ils sont appellez *Capias ad respondendum*. Auxy le *Exigent* sera siak foites proclames, & si le partie nappere il sera vilage. Mes en diuers actions sont diuers maners de proces, que est plus alarge declar in *Natura breuium*.

Auxy sont diuers autres proces apres apparance quant les parties sont al issue pur faire lenquest apperer, come vn briefe de *Venire facias*, & s'ils ne apperont al iour, donques vn briefe de *Habeas corpora*

Proces.

Proces, are the writs & precepts that goe upon the original: & in actions reals and personels there bee sundrie sortes of proces, for in actions reals the proces is *Graunde Cape*, before apparance: therefore see of that in the title *Petite Cape*.

But in actions personals, as in debt, trespass, or detinue, the proces is a distresse, and if the Shire returne *Nihil habet in balliu* &c. then the proces is alias *Capias*, and Pluries, and an *Exigent*, and they are called *Capias ad respondendum*. Also the *Exigent* shall be proclamed v. times, & if the party doth not appear he shall be outlawed. But in diuers actions there are diuers maner of proces, which at large is declared in *Naturae breuium*.

Also there are diuers other proces after apparance when the parties be at issue to make the inquest appeare, as a writ of *Venire facias*, and if they do not appear at the day, then a writ of *Habeas corpora* Iurat,

Iurat, and after a writte of Distringas Iurat.

Also there are diuers o-
ther proces after iudge-
ment, as Capias ad satis-
faciendum, Capias vtlagatum, and Capias ad valentiam &c.

But Capias ad satisfac-
ciendum lieth where a man
is condemned in any debt
or damage, then he shall
be arrested by this writte
and put in prison without
baile or mainprise, till he
hath payed the debt & the
damages.

But Capias vtlagatum,
lieth wher one is outlaw-
ed, then he shall bee taken
by this writte, and put in
prison without baile or
mainprise, for that he had
the law in contempt.

Capias ad valentiam li-
eth where I am impleded
of certain lāds, & I vouch
to warrantie another, and
cannot barre the deman-
dant, so that the deman-
dant recouer agatist me,
then I shall recouer so
much in value agatist the
vouchee, and then shal go
forth this writte.

Also there be other pro-

Iurat, & apres vn bñe de
Distring. iurat.

Auxy sont diuers al-
ters proces apres iudge-
ment, come Capias ad sa-
tisfaciendum, Capias vt-
lagatum, & Capias ad va-
lentiam &c.

Mes Capias ad satisfac-
ciendum gist lou vn ho-
me est condempne in af-
cun det ou damages, don-
ques il serra arrest per cest
briefe & mis en prison
sans baile ou mainprise,
tanq; il ad pay le det & les
damages.

Mes Capias vtlagatum
gist lou vn est vtlage don-
ques il serra prise per tiel
bñe, & mis en prison sans
baile ou mainprise, pur
ceo que il ad fait contēpt
enconter le ley.

Capias ad valentiam gist
lou ieo sue implede de
certain terre, & ieo vouch
a garrantie vn auter, &
il ne scauolt pas barre le
demaundant, issint que le
demaundant recouer vers
moy, donques ieo recoue-
ra tant in value vers le
vouchee, & donques ille-
ra cest brief.

Auxy sont autres pro-
ces

The Exposition of

ees & briefes iudicials,
come Fieri facias, Scire
facias, & plusors auters:
& ideo vide ceux en leur
titles.

Prochein amy.

Prochein amy, est com-
munement prise pur Gar-
dian en focage, & est lou
vn home seisi de terres
tenus en focage morust,
son issue deins age de xiiij.
ans, donques le prochein
amy, ou prochein de sank
a que les terres ne poient
vener ou discender, auera
le gard del heire, & del
terre, al vse solement del
heire, tanque il vient al
age de xiiij. ans: Et don-
ques a tiel ans, le heire
poit enter & luy ouste, &
amesner luy de accópter:
Mes en cest accompt il a-
uera allowance pur tous
reasonable costs & expé-
ces bestow, ou sur le heire
ou son terre.

Et le prochein amy ou
procheine de sank a que
le inheritance ne poit dis-
cender est issint deste en-
tende: Si les terres dis-
cende al heir de son pere,
ou ascun del sank del
parte son pere, donques

resse and wites iudicials,
as Fieri facias, Scire faci-
as, and manie other: and
therefore looke for them
in their titles.

357 Next friend.

Next friend, is commonly
taken for Guardian in
focage, & is where a man
seised of landes holden in
focage dieth, his issue with-
in age of xiiij. yeeres, then
the next friend, or next of
kinne to whom the landes
cannot come or discend shal
haue the keeping of the
heire, and of the lande, to
the onely vse of the heire,
vntill hee come to the age
of xiiij. yeeres: And then
at that yeeres he may en-
ter and put him out, and
bringe him to accompte:
But in that accompte hee
shalbe allowed for all rea-
sonable costes & expences
bestowed either vpon the
heire or his land.

And the next friend or
next of kinne to whom the
inheritance cannot discend,
is thus to be vnderstood:
If the Landes discende
to the heire from his fa-
ther, or any of the kinne
of his fathers side, then
the

the mother or other of the Mothers side are called the next of kinne to whom the inheritance cannot descend, for before that it shall so descend, it shall rather Escheate to the Lord of whom it is holden.

And so it is to be understood where the lands come to the heire from his Mother, or any of the kinne of his mothers side, then the Father or other of the fathers side are called the next of kinne to whom the inheritance cannot descend, but shall rather escheate to the Lord of whom it is holden.

Otherwise Prochein amy is hee which appeareth in any Court for an enfante which sueth any action, & aideth the enfant to pursue his suite, whereof, see the Statutes of W.1.ca.47. & W.2.cap.15. that an enfant may not make an Atturney, but the Court may admit the next friend for y^e plaintife, and a gardian for the enfant defendant as his Atturney.

le mere ou autre del part le mere, sont appellee prochein de sang a que le enheritance ne poit descendre, car deuant que il issint descendra, il plus tost escheatera al seignior de que il est tenu.

Et issint est destte entendre ou les terres vient al heire de sa mere, ou ascendant de sang del part la Mere, donques le Pere ou autre del part son Pere sont appellee prochein de sang a que le enheritance ne poit descendre, mes plus tost escheatera al Seignior de que il est tenu.

Autrement prochein amy est celui que appiert en aucun Court pur un enfant que sue aucun action, & que aide le enfant de poursuivre son suit: dont vide les statutes de W.1.cap.47. & W.2.cap.15. que un enfant ne poit faire Atturney, mes le Court poit admettre le prochein amy pur le plaintife, & un Gardian pur le enfant def. come son Atturney.

The Exposition of

358 Procedendo.

Procedendo, est vn bre & gist lou ascun action est sue. en vn Court, que est remoue a vn plus hault, come al Chauncerie, banke le Roy, ou common banke, per bre de Priuilege ou Cerciorare, & si le defendaunt sur le matter monstre nad cause de priuilege, ou si le matter in le bill sur que le Cerciorare issuit ne soyt bien proue, donques le plaintife auera cest brieve de Procedendo pur remaunder le matter al primer basse Court, & la destre determine.

359 Prohibition.

Prohibition, est vn brieve & gist lou home est implede in court Christiane de chose que ne touch matrimony ne Testament ne merement, dismes, mes q touch le corone nostre Seignieur le Roy, & cest brieve serra direct aux bien al partie come al Iudge ou son official, de eux prohibite que ils ne pursue ouster. Mes si il

Procedendo.

Procedendo, is a writ, & it lyeth where any action is sued in one Court which is remooued to a Court more high, as to the Chancery, the Kings bench, or Common place by a writ of writledge or Cerciorare, and if the defendant vpon the matter shewed, haue no cause of writledge, or if the matter in the bill whereupon the Cerciorare issued be not wel proued, then the plaintife shall haue this writ of Procedendo, for to send agayne the matter vnto the first basse Court, & there to be determined.

Prohibition.

Prohibition, is a writ & it lieth where a man is empled in the spiritual court of the thing that toucheth not matrimonye nor testament, nor meere tithes, but that toucheth the kings crowne, & this writ shall be directed as well to the partie as to the Judge or his official, to prohibite the that they pursue no further. But if it appere

appeare afterwarde to the Judge temporal, that the matter is to be determined in the spiritual Court, and not in the court temporal, then the partie shall haue a writ of Consultation, commanding the Judges of the Court spirituall to proceede in the first plee.

360 Protection.

Protection is a writ and it lieth where that a mā wil passe ouer the Sea in the kings seruice, then hee shal haue this writ, and by this writ hee shall bee quit of all manner of plects betwzen him & any other person, except plects of dower, Quare imped', assise of nouel disseisin, darreine presentment, and attaintes, and plects before Justice in Eyre. But there be two writs of protection, one Cum clausula volumus, & another Cum clausula nolumus, as appeareth in the Register. Also a protection shall not bee allowed in any plee begun before the date of the protection if it be not in vyages where the King himselfe shal passe, or other vyages

appeare apres a les Judges temporal que le matter est destre determine en le spiritual Court, & nemy en le Court temporall, donque le partie auera vn briefe de Consultation, commandant les Judges de le Court spirituall de proceder en la primer plee.

Protection.

Protection, est vn briefe & gist lou home voit passer ouster le meare en le seruice le Roy, donque il auera cest brief, & per cest briefe il serra quite de tout maner des plects enter luy & ascun auter person, except plects de dower, Quare impedit, assise de nouel disseisin, vltime presentationis & attaintes, & plects deuaunt Iustices in Eyre. Mes sont deux briefes de protection, vn Cum clausula volumus, & lautre Cum clausula nolumus, vt appert in la Register. Auxy protection ne serra allowe en ascun plee commence deuaunt le date de la protection si ne soit in vyages ou le Roy mesme passa, ou auters vyages royals,

The Exposition of

royals, ou in message le
roy, ut besoin de Realme.
Auxy protection ne ser-
ra allowe pur vitales a-
chates pur le vyage, dont
le protection fait menti-
on, ne in ples de tref-
passe ou de contracts fait
puis le date de mesme le
protection. Mes nota
que ascun poit attacher
ou commeneer ascun ac-
tion reall vers celsuy que
ayt tiel protection, &
en ceo proceder tanque
le defendaunt veigne &
monstre son protection
en le Court, & ayt ceo
allowe, & donques son
plee ou suit sera mise
sans iour. Mes si apres
il appiert que le party que
ad le protection ne va en
le besoigne pur que il eit
ceo, donque le deman-
dant auera vn repeale de
ceo. Et sil va & retourne a-
pres le besoigne fine, le
demaundant auera vn re-
summons de recontinue le
former suit.

361 Protestation.

Protestation est vn form
de pleading quant ascun

royals, or in messages of
the king for neede of the
Realme. Also a protectis-
on shall not bee allowed
for victuall bought for the
vyage whereof the prote-
ction maketh mention,
nor in ples of trespassse or
of contracts made after
the date of the protection.
But note that any man
attach or begin any action
reall against him that
hath such protection, and
therein proceede untill the
defendant cometh & shew-
eth his protection in the
Court, & hath it allowed,
and then his plee or suite
shall goe without dape.
But if after it appeareth
that the party which hath
the protection goeth not a-
bout the affaires for which
he hath it, then the deman-
dant shall haue a repeale
thereof. And if he goe & re-
turne after the busines en-
ded, the demaundant shall
haue a resummons to re-
continue the former suit.

Protestation.

Protestation, is a forme
of pleading when any
will

will not directly affirme,
nor directly deny any thing
þ is alledged by another,
or which he himselfe alled-
geth. And it is in two
sortes: One is, when one
pleadeth any thing which
he dare not directly affirm
or that hee cannot pleade
it for doubt to make his
plee double. As in con-
ueying to himselfe a title
to any lande, hee ought to
pleade diuers discentis by
diuers persons, and hee
dare not affirme that all
they were seised at the
time of their death, or al-
though hee could doe it,
it shall be double to pleade
two discentis, of both
which, euerie one by
himselfe may bee a good
barre. Then the defendand
ought to plead & alledge
the matter interlasing
this worde Protestando:
As to say, that such a one
died (by protestation) sei-
sed &c. and that is to be al-
ledged by protestation, &
not to be trauersed by the
other. An other protestati-
on is, when one is to an-
swere to two matters, and
yet by the lawe hee ought

ne voyt directment affir-
mer ne directment denier
ascun chose quel est al-
ledge per auter, ou que
il mesme alledge. Et est
en deux manners, lun est
quant vn pleade ascun
chose quel il ne osast di-
rectment affirmer, ou que
il ne poit ceo pleder pur
doubt de fair son plee
double. Come si en con-
ueying a luy title al as-
cun terre, il doit pleder
diuers discentis per di-
uers persons, & il nosast
affirmer que eux toutes
fueront seisie al temps de
lour mort, ou coment
il ceo purroyt, ceo serra
double a pleder deux dis-
centis, de queux ambideux
chescun a per luy poyt es-
tre bone barre. Donques
le defendand doit pleder
& alleager le matter en-
terlasant cest paroll Pro-
testando, come adire, que
riel obijt (Protestando)
seisie &c. Et ceo est dest
alledge per protestation
& nemy trauersable per
l'auter. Auter protestati-
on est, quant vn est de res-
ponder al deux choses &
tamen per le ley il doit
V.iiiij. pleder

The Exposition of

pleader forsque a lun, donques en le primer part del plee, il dira, al vn matter, Protestando, & non cognoscendo, cel matter estre voier, & faire ion plee ouster per ceux parols, Sed pro placito dicit &c. & ceo est pur saluation al partie (que issint plede per protestation,) destre conclude per ascun matter alledge ou object encounter luy, sur que il ne poit ioyner issue. Et nest auter chose que exclusion del conclusion, car il que prist le protestation exclude l'autre partie de concluder luy. Et cest protestation doyt estoyer oue le sequel del plee, & nemy destre repugnant, ou autrement contraire.

362 Purchase.

Purchase est le possession que vn home ad en tres ou tenementes per son act demesne, means, ou agreement, & nemy per title de discent, de ascun de ses aunces. Vide Littleton lib. 1. cap. 1.

to pleade but to one, then in the first part of the plee he shall say to the one matter Protestando, & not cognoscendo, this matter to be true, and make his plee further by these wordes, sed pro placito dicit &c. & this is for sauing to the partie (that so pleadeth by protestation) to be concluded by any matter alleged or objected against him, by which he cannot toyne issue: and is no other thing but an exclusion of the conclusion, for hee that taketh the protestation excludes the other partie to conclude him. And this protestation ought to stande with the sequell of the plee, and not to bee repugnant, or otherwise contrary.

Purchase.

Purchase is the possession that a man hath in lads or tenements by his owne act, meanes or agreement, and not by title of discent, from any of his aunces. See Littleton, lib. 1. cap. 1.

Quale

363 *Quale ius.*

Q Vale ius, is a writ and it lieth where an Abbot, Prior, or such other should haue iudgement to recouer land, by the default of the tenant against whom the land is demanded, then before iudgement giuen, or execution awarded, this writ shall go forth to the Eschetor to inquire what right he hath to recouer: And if it be found that he hath no right, then the lord which should haue the land if the tennant had aliened in Mortmaine may enter as into land alien into mortmaine, for this loosing by default is like to an alienation. See the Statute West. 2. cap. 32.

But a writ of Ad quod dampnum lieth where one will giue landes to an house of Religion, then this writ shall go forth to the Eschetour, to inquire of what value the land is, and what prejudice it shall be to the king.

Quale ius.

Q Vale ius, est vn briefe & gist lou ascun Abbot, Prior, ou tielx autres aueront iudgement de recouer terre, par le default del tenant vers que le terre est demande, donques deuant iudgement don ou execution agarde, cest briefe issira al Eschetor pur enquierer quel droit il ad a recouer: Et si soit trouue que il nad droit, donques le Seignior que duist auer le terre si le tennant vst alien en Mortmaine poit enter come en terre aliene en mortmain, car cel perd par default est semble a vn alienation. Vide le statute Westminster le second capitulo 32.

Mes briefe de Ad quod dampnum gist lou vn voile doner terre al maison de Religion, donques cest briefe issira al Escheatour, pur enquierer de que value le terre est, & quel preiudice il serra al Roy.

364 *Quare*

The Exposition of

364 Quare eiecit infra terminum.

Quare eiecit infra terminum est vn briefe, & gist lou vn fait lease a vn auter pur terme dans, & le lessour infeoffa vn auter, & le feoffee ousta le termour, donques le termour auera cest briefe vers le feoffee. Mes si vn auter estraunger ouste le termour, donques il auera briefe de Eiectione firme vers luy. Et en ceux deux briefes il recouera le terme & ses damages.

365 Quare impedit.

Quare impedit, est vn briefe, & gist lon ieo aie aduowson, & le parson deuie, & vn auter presenta son clerke, ou disturbe de presenter, donques ieo auera le dit brief. Mes Assise de darrain presentment gist, lou ieo on mon auncetors ont present deuant. Et lou home poit auer Assise de darrain presentment, il poit auer vn Quare impedit, mes nemy contrarie.

Auxy si le plee soit dependant enter deux par-

Quare eiecit infra terminum.

Quare eiecit infra terminum is a writ, and it lyeth where one maketh a lease to a nother for term of peeres, and the lessor infeoffeth an other, and the feoffee putteth out the termour, then the termour shall haue this writ against the feoffee. But if an other stranger put out the termour, then he shall haue a writ de Eiectione firme against him. And in these two writs he shall recouer the terme & his damages.

Quare impedit.

Quare impedit, is a writ and it lyeth where I haue an aduowson, & the parson dyeth, and another presenteth his clerke, or disturbeth mee to present, then I shall haue the said writ. But Assise de darrain presentment lyeth, where I or my ancestors haue presented before. And where a man may haue an Assise de darrain presentment, he may haue a Quare impedit, but not contrarywise.

Also if the plee be depending between two parties,

Res, and be not discussed within vij. monethes, then the Bishop may present by laps, & he that hath right to present, shal recouer his damages, as it appeareth by the statute of West. ij. cap. 5. therefore see the statute. Also if he that hath right to present after the death of the parson, and bringeth no Quare impediat, nor Darrain presentment, but suffereth a stranger to usurpe vpon him, yet he shall haue a writ of Right of aduowson: But this writ lyeth not, vnlesse he claime to haue the aduowson to him and his heires in fee simple.

366 Quare incumbravit.

Quare incumbravit, is a writ, & it lieth where two be in plee for the aduowson, & the Bishop admitteth the clerk of one of them within the sixe monethes, then he shall haue this writ against the Bishop. But this writ lyeth alway hanging the plee.

367 Quare intrusit matrimonio non satisfacto.

Quare intrusit matrimonio non satisfacto, is

ties, & ne soit discussé deins vij. mois, donques le Euesque presentera per laps, & cestuy que ad droit de presenter, recouera damages, come apiert per lestatut de West. ij. cap. 5. ideo vide statutum. Auxy si cestuy que ad droit de presenter apres le mort del parson, & ne porta Quare impediat, ne Darrain presentment, mes suffer vn estrange de usurper sur luy, vncore il auera vn brieve de Droit d'aduowson: Mes cest brieve ne gist, si il ne claime d'auer l'aduowson a luy & ses heires en fee simple.

Quare incumbravit.

Quare incumbravit, est vn brieve, & gist lou deux sont en plee pur l'aduowson, & Leuesque admitta le clerk dun de eux deins les vij. mois, donques il auera cest brieve vers le Euesque. Mes cest brieve gist tous soits pendant le plee.

Quare intrusit matrimonio non satisfacto.

Quare intrusit matrimonio non satisfacto, est

The Exposition of

vn briefe , & gift lou le Seignior profera conuenable mariage a son gard, & il refusa & entra en la terre , & soy marrie a vn auter , donques le Seignior auera cest briefe vers luy.

368 Quare non admisit.

Quare non admisit, est vn briefe , & gift lou home ad recouer vn Aduowson, & il maunda son conuenable clerk al Euesque pur este admitte , & le Euesque ne voile luy receuier, donques il auera le dit briefe vers le Euesque. Mes briefe de Ne admittas gift , lou deux sont en plee , si le plaintife suppose que Leuesque voit admit le clerk le defendant , donques il poit auer cest briefe al Euesque, luy commandant que il ne luy admit pendant le plee.

369 Quarentine.

Quarentine , est lou home deuie seisie de vn manor place & dauters terres, dont sa feme doit estre endowe , donques la feme tiendra se en le manor place , & la viue

a writ, & it lieth where the Lord profereth conuenable mariage to his ward, and he refuseth & entreteth into the land , & marrieth himselfe to an other, then the Lord shall haue this writ against him.

Quare non admisit.

Quare non admisit, is a writ, and it lieth where a man hath recouered an Aduowson, & he sendeth his conuenable clerk to the Bishop to be admitted, & the Bishop will not receiue him, then he shall haue the said writ against the Bishop. But a writ de Ne admittas lieth, wher two be in plee, if the plaintife suppose that the Bishop will admit the clerk of the defendant, then he may haue this writ to the Bishop, commanding him not to admit him hanging the plee.

Quarentine.

Quarentine, is where a man dyeth seised of a manor place & other lāds, whereof the wife ought to be endowed, then the woman may abide in the maner place, and there liue
of

of the store & profits thereof
of the space of forty dayes
within which time her
dower shal be assigned, as
it appeareth in Magna
Charta, cap. 6.

de le store & profits de ceo
per quarant iours, deins
quel tēps son dower ser-
ra a luy assigne come ap-
piert in *Magna Charta Ca-
pitulo 6.*

27th Quid iuris clamat.

Quid iuris clamat, is a
writ, and lyeth where
I graunt the reuersion of
my tenant for terme of life
by fine in the kings court,
& the tenant wil not attorne,
then the grauntee shall haue
this writ for to compell
him to attorne. But a
writ of *Quem redditum*
reddit lieth where I grāt
by fine a rēt charge, or an
other rēt which is not rēt
seruice which my tenant
holdeth of mee, and the te-
nant wil not attorne, then
the grauntee shall haue
this writ. And a writ of
Per que seruicia lyeth in
like case for rent seruice.

Also if I graunt foure
diuers rents to one man, &
the tenant of the land at-
turneth to the graunte by
payment of the peny, or of
an halfe peny in the name
of attornement of all the
rents, this attornement shal

Quid iuris clamat.

Quid iuris clamat, est
vn b're & gist lou ieo
grant le reuersion de mon
tenant a terme de vie per
fine in Court le Roy, & le
tenant ne voyt atturner,
donques le grauntee auera
cest briefe pur luy chaser
pur atturner. Mes briefe
de *Quem redditum reddit*
gist lou ieo graunt per
fine vn rent charge, ou
auter rent que nest rent
seruice quel mon tenant
tient de moy, & le tenant
ne voit atturner, donques
le grauntee auera cest b're.
Et briefe de *Per que serui-
cia* gist en semblable case
pur rent seruice.

Auxy si ieo graunt iiij.
diuers rents a vn home, &
le tenaunt del terre attor-
na al grauntee per pay-
ment de vn denier, ou
vn male en nosme de at-
tornement de toutes ceuz
rents, cest attornement luy
mittera

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mittera en seisin de tout cest rent . Mes ceux iij. briefes couient estre port vers eux que sont tenants iour del note leuy , & vers nul autres.

put him in seisin of all the rent . But these iij. writs ought to be brought against those which are tenants at the day of \bar{y} note leued, & against none other.

Fifteene.

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Quinzime.

Quinzime est vn payment graunt en Parliament al Roigne per les layes gents, cestascavoir, le quinzime part de leur biens : Et fuit vse en auncient temps destre leue sur leur auers esteants en leur terres, que chose fuit mult troublous , & par ceo a ore pur le plus parte, cest voy est alter, & ils vse de leue ceo per les Verges, ou Acre, ou autre mesure de terre . Per reason de que il est a ore meins troublous , & plus certaine que deuant il fuit. Et chescun ville & pays scient , quel summe est destre paie parenter eux, & coment ceo seira raise. Nous legimus que Moyse fuit le primer que number le people, car il number les Israelites, & par ceo le primer Taxe,

Fifteene, is a payment, graunted in Parliament to the Queene by the temporaltie, namely, the fiftenth part of their goods : And it was vsed in auncient time to bee leued vpon their cattell going in their grounds, which thing was verie troublesome, and therefore nowe for the most parte, that way is altered and they vse to leue the same by the yerde, or Acre or other measure of land. By meanes whereof it is now lesse troublesome, & more certaine then before it was. And euerie Towne and Countrey do knowe what summe is to be paid among them, and how the same shall be raised. We read that Moses was the first \bar{y} did number the people, for he numbered the Israelites, and therefore the first Taxe, subsidie,

subsidie, tribute, or fifteene was inuented by him among the hebrewes as Polidore Virgil doth thinke.

372 Quod ei deforciat.

Quod ei deforciat, is a writ, and it lieth wher the tenaunt in the Taile, tenaunt in Dowry, or tenaunt for terme of life lesseth by default in any action, then he that lesseth shall haue this writ agaynst him that recouereth, or agaynst his heire, if he think that he hath better right then he which recouered. See the statute Westm. ij. cap. 4.

373 Quod permittat.

Quod permittat, is a writ, and it lieth where a man is disseised of his common of pasture, and the disseisor alpeneth or dyeth seised, and his heire entreth, then if the disseisee dye, his heire shal haue this writ.

374 Quo iure.

Quo iure, is a writ, and it lyeth where a man hath had common of pasture in an other seuerall of late within the tyme of memorie, then he to whom

subsidie, tribute, ou quinzieme fuit inuent per luy entre les Hebrewes, come Polidore Virgile suppose.

Quod ei deforciat.

Quod ei deforciat, est vn briefe & gist lou tenant en le taile, tenaunt in dower, ou tenaunt a terme de vie perde per default in ascun action, donques cesty que perde auera cest briefe vers celuy que recouera, ou vers son heire, si il entende que il auoit melior droit que il que recouera. Vide le statute Westminster ij. cap. 4.

Quod permittat.

Quod permittat, est vn briefe, & gist lou home est disseise de son common de pasture, & le disseisor alien ou deuie seise, & son heire entra, donques si le disseisee deuie, son heire auera cest briefe.

Quo iure.

Quo iure, est vn briefe, & gist lou home ad ew common de pasture en autre seuerall de darrein tēps deins le temps de memorie, donques celuy a que apper-

The Exposition of

appertient la feuerall auera cest briefe, & il sera charge de monstre par quel title il claime le common.

375 Quo minus.

Quo minus est vn brief, & gist lou vn home ad graunta a vn auter housebote & heybote in son bois a prender chesoun an, & celuy que fesoit le graunt fait tiel wast & distruction que le grauntee ne poit auer son reasonable estouers, donques le grauntee auera le auantdit briefe, & est en nature de briefe de wast.

Et nota, que housebote est appel certain estouers pur amender la meason. Et heybote est certain estouers pur amender heys & hedges.

Et est auter briefe, appel Quo minus, en le Eschequer, quel ascun fermor ou dettor al Roy auera vers ascun auter pur dette ou trespasse, en le Eschequer en le office appelle le Common ples, per que le plaintife surmittera, que pur le tort, que le defendant fait

belongeth the feuerall shall haue this writ, and he shall bee charged to shewe by what title hee clauneth the common.

Quo minus.

Quo minus is a writ, & it lyeth where a man hath graunted to another housebote & heybote in his wood to take euery yeere, & he that made the graunt maketh such wast and distruction that the grantee cannot haue his reasonable estouers, then the grauntee shall haue the foresaid writ, and it is in nature of a writ of wast.

And note, that housebote is called certain estouers to mend the house. And heybote is certain estouers to mend heys and hedges.

And there is an other writ called a Quo minus, in the Eschequer, which any fermor or dettor to the king shall haue against any other, for debt or trespass, in the Eschequer in the office called the common ples, by which the pt shall surmise, that, for y wrong, which the defendant doth

Termes of the Law.

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to him, he is lesse able to pay the Queene her dette or ferme, which is surmised to giue Jurisdiction to the Court of Eschequer to heare & determine the cause of the sute betweene them, which otherwise should be determined in another Court.

376 Quo warranto.

Quo warranto is a writ, and it lieth where a man vsurpeth to haue a nie fraunhise vpon the King, then the King shall haue this writte, to make him to come befoze his Iustices, for to shewe by what title he claimeth such franchise.

R.

377 Rationabilibus diuisis.

Rationabilibus diuisis is a writ, & lieth where there are two Lordships in diuers Townes, and one nigh the other, and a ny parcel of one lordship, or of wast hath beene incrocht by litle parcells, the same Lord fro whom the parcell of ground or of wast hath bin encroched,

a luy, il est meins able a paier la Roigne sa dett ou ferme; quel est, surmise a doner Jurisdiction al Court Deschequer, doier & terminer la cause del sute enter eux, quel autrement seroit determine en autre Court.

Quo warranto.

Quo warranto est vn briefe, & gist lou home vsurpe dauer aucun franchise sur le Roy, donques le Roy auera cest briefe, de faire luy venir deuant ses Iustices, pur monstre per quel title il claime tiel fraunhise.

R.

Rationabilibus diuisis.

Rationabilibus diuisis est vn briefe, & gist lou sount deux Seignories en diuers villes, & vn pres le autre, & ascun parcel de vn Seignorie ou de wast ad este encrocht per petits parcells, & donques celui Seignior de quel parcel de terre, ou le wast ad este encroche

X.j.

auera

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auera cest briefe enuers
le Seignior que ad issint
encroche.

378 Rebutter.

Rebutter est, quant vn p
fait ou fine graunt de
garranter ascun terre ou
hereditament a vn auter,
& cestuy, que fist le gar-
rantie, ou son heire sua ce-
luy a que le garrantie est
fait ou son heire ou assig-
nee, pur mesme le chose :
ore, si celuy que est issint
sue, plede encounter ce-
stuy que sua, le dit fait
ou fine oue garrantie,
& demaund iudgement,
si encounter cest garran-
tie, le plaintife serra res-
ceue a demaunder le
chose quel il doit garran-
ter, encounter cel gar-
rauntie per le faite ou
fine auant dist comper-
nant tiel garrantie, tiel
pleder del garrantie est ap-
pel vn Rebutter.

379 Redisseisin.

Redisseisin, Vide de ceo
deuaunt en le title As-
sise.

380 Regrator.

Regrator est celuy que
ad blees, vittayles, ou
autres choses sufficient

shall haue this writte as
gainst the Lord that hath
so encroched.

Rebutter.

Rebutter is, when one
by deed or fine graun-
teth to warrant any land
or hereditament to an o-
ther, and he, which made
the warrantie, or his heire
sue him to whom the war-
rantie is made or his heire
or assignee for the same
thing: now if he, which
is so sued, pleadeth a-
gainst him which sueth &
said deede or fine with
warrantie, and demaund
iudgement if the plaintife
shalbe receiued to demaund
the thing, which he ought
to warrant, against that
warrantie by the deed or
fine afore said compris-
hending such warrantie,
such pleading of the war-
rantie is called a Rebut-
ter.

Redisseisin.

Redisseisin, Look of that
before in the title As-
sise.

Regrator.

Regrator is he that hath
corne, vittayles, or
other thinges sufficient
for

for his owne necessarie need, occupation, or spending, and doth neuertheless engrosse & buy by into his hands more corne, buttayles, or other such thinges, to the intent to sell the same againe at a higher and deerer price, in faires, markets, or such like places. Whereof see the statute 5. E. 6. cap. 14. for he shalbe punished as a forestaller.

381 Reioinder.

Reioinder, is when the defendant maketh answer to the replication of the plaintife.

And euery Reioinder ought to haue these two properties specially, that is to say, it ought to be a sufficient answer to the replicatiō, and also to follow & enforce the matter of the barre.

382 Relation.

Relation is a terme in law, where, in consideration of law, two times, or other things, are considered so as if they were al one, and by this, the thing subsequent is said to take his effect, by relation, at

par son necessarie besoyn, occupation, ou expences, & nient obstant ingrossé & achaté en les maines plus blees, vitailles, ou autres tielx choses, al intent de vender ces ariere al vn plus hault & chare price, en Faïres, Markets, ou tielx semblables lieux. De que vide le Statute 5. Edw. 6. cap. 14. car il serra punie come forestaller.

Reioinder.

Reioinder, est quant le defendant fait respons al replication del plaintife.

Et chescun Reioinder doit auer ceux deux propriétés specialment, cest-à-scauoir, il doit estre vn sufficient respons al replication, & auxy de subsequer & enforcer le matter del barre.

Relation.

Relation est vn terme en ley, loü, en consideration del ley, deux tēps, ou autres choses, sont cōsideres tielint, come si furent tout vn, & per ceo, le chose subsequēt est dit de prēder son force, p relation,

The Exposition of

al temps precedēt, sicome vn deliuer vn escript al vn destre deliuer al auter come fait cestuy que ceo deliuer, quant lauter, a que feroit deliuer, ad paie ascū summe de money, ore, qnt le mony est paie & lescript deliuer, ceo serra reputē cōe fait del cestuy qui ceo deliuera, al tēps quant fuit primes deliuer: Et issint petitions de parlement, as queux la Roigne assent al darrein iour del parliamēt, aueront relation & prendront leur force del primer iour del commencement del parlemēt: Et issint est des diuers auters choses senblables.

383 Release.

Release est le done ou discharge del droit ou actiō q ascū eit ou claime enuers auter ou son terre.

Et le release de droit est cōmunement fait quāt vn fesoit vn fait a vn auter p ceux ou tielx parols, Remisise, relaxasse, & omnino pro me & hāred^r meis quietum clamasse A. B. totum ius meū quod habui, habeo, seu quouis modo in futurum habere pote-

the time preceding, As if one deliuer a writing to one to be deliuered to another as the deed of him who deliuered it, whē thother, to whom it should be deliuered, hath paid a sum of money, Now, when the mony is paid & ^h writing deliuered, this shalbe takē as ^h deed of him who did deliuer it, at ^h time when it was first deliuered: and so petitiōs of parlemēt, to which ^h Queene assents on ^h last day of parlemēt, shal relate & be of force frō the first day of the beginning of the Parliament: And so is it of diuers o^r ther like things.

Release.

Release is the giuing o^r discharging of ^h right o^r action which any hath o^r claimeth against another o^r his land.

And ^h release of right is cōmonly made when one maketh a deed to another by these o^r like words, Remised, released & vtterly for me and my heirs quite claimed to A. B. all my right ^h I haue, o^r by any meanes may haue hereafter

after in one mesuage &c. But these words (whatsoever I may haue hereafter) be void: For if the father bee disseised, and the sonne release by his deede of release without warrantie all his right, by those words, whatsoever I may haue hereafter &c. and the father dyeth, the sonne may lawfully enter in the possession of the disseisour.

Also in a release of right it is needefull that hee to whome the release shall be made, haue a freeholde or a possession in the landes in deed or law, or a reversion at the time of that release made, for if hee haue nothing in the land at the time of the release made, the release shal not bee to him auailable. See more hereof in Litt. lib. 3. cap. 8.

384 Reliefe.

Reliefe, is sometimes a certaine summe of money that the heire shall pay to the Lord of whom those Lands are holden, which after the decease of his ancestor are to him descended as next heire, some-

ro in vno mesuagio &c. Mes ceux parolx (quouismodo habere potero) sont voides: Car si le pere soit disseise, & le fites release per son fait de release sans garrantie de tout son droit, per ceux parols, quouismodo in futurum habere potero &c. & le pere mort, le fites puit loyamment enter sur le possession le disseisor.

Auxy in vn release de droit il couient que il a que release serra fait, ad vn franktenement, ou vn possession in les terres in faite ou in ley, ou vn reversion all temps de le release faite, car sil nadriens in le terre al temps de release fait, le release ne serra al luy auailable. Vide plus de ceo Littleton lib. 3. cap. 8.

Reliefe.

Reliefe, est ascun foies vn certaine summe de money que le heire paiera al Seignior de que ceux terres sont ten', queux apres le decease de son ancestor sont a luy discende come procheine heire, Af-

X.ij.

cun

The Exposition of

cun foits il est paimét dun
 autre chose, & nemy mo-
 ney. Et pur ceo reliefe nest
 certaine & semblable pur
 toutes tenures, mes ches-
 cun sundrie tenure ad (pur
 le plus part) son speciall
 reliefe certain en luy mes-
 me. Neque est ceo destre
 pay toutes foits al vn cer-
 taine age, mes il varie en
 ceo auxy accordant al te-
 nure. Come si le tenant ad
 terres tenus per seruice de
 chiualer (foreprise graund
 serieantie) & morust son
 heire esteant de plein age,
 & tient ses terres per le
 seruice dun entier fee de
 chiualer, le Seignior de
 que ceux terres sont issint
 tenus, auera del heire C.s.
 nomine releuij, & si il tient
 per meins que vn fee de
 chiualer, il paiera meins,
 & si plus donque plus, ai-
 ant respect toutes foits al
 rate pur chescun fee de
 chiualer vn cent souz. Et
 si tient per graunde serie-
 antie (que est routes foits
 del Roigne; & est auxy
 seruice de Chiualer) don-
 ques le reliefe serra le va-
 lue del terre per an, pre-
 ter toutes charges issuant

times it is the payment of
 another thing, & not mo-
 ney: And therefore reliefe
 is not certaine, and alke
 for all tenures, but euerie
 sundry tenure hath (for the
 most part) his speciall Re-
 liefe certain in it self. Nei-
 ther is it to bee paide al-
 waies at a certaine age,
 but varieth therein also ac-
 cording to the tenure. As
 if the tenant had Lant es
 holden by knightes ser-
 uice (except graund Ser-
 iantie) and die, his heire
 being at full age, and held
 his lande by the seruice of
 a whole knightes fee, the
 lord of whom these lant es
 are so holden shall haue of
 the heire C.s. in the name
 of the reliefe, and if he held
 by lesse then a knights fee,
 he shall pay lesse, & if more,
 then more, hauing respect
 alwaies to the rate for e-
 uerie knights fee an hun-
 dred shillings. And if hee
 helde by Graunde Serie-
 antie (which is alwaies of
 the Queene, and is also
 knights seruice) then the
 reliefe shall be the value of
 the land by the yeare, be-
 sides all charges issuing
 out

out of the same. And if the landes bee holden in petit seriantie or in socage, then for the reliefe the heir shal pay at one time, as much as he ought to pay yearly for his seruice, which is commonly called the dubling of the rent.

Also if a man holde of the King in chiefe, and of ether Lordes, the King shall haue the warde of all the lands, & the heire shall pay reliefe to al the Lords at his ful age, but y^e lordes shal sue to the King by petition and shall haue the rente for the time that the infant was in ward.

And note that alwaies when the reliefe is due, it must be paid at one whole payment and not by parts, although that the rente be to bee paide at seuerall feastes.

385 Remainder.

Remainder of land is the land that shall remaine after the particular estate determined: As if one graunt lande for terme of yeres or for life, & remain- der to J. S. that is to say,

hors de ceo, Et si le terre soit tenuis en petit ser- ieantie ou en socage, don- ques pur le reliefe le heire paiera al vn foits tant que il doit paier annualment pur son seruice, quel est cō- munement appellé le dub- ling del rent.

Auxy si home tient de le Roy en chiefe, & des au- ters Seignours, le Roy a- uera le garde de tous les terres, & le heir paiera re- liefe a tous les seignours a son pleine age, mes les seignours suera al roy per- petition, & aueront le rent pur le temps que lenfant fuit in garde.

Et nota que toutes foits quant le reliefe est due, il doit este pay al vn entier payment, & nemy per parts, nient obstant que le rent soit deste pay al seue- ral feastes.

Remainder.

Remainder de terre est le terre que restera apres le particulier estate determine: Come si vn graunt terre pur terme de ans, ou pur vie, le re- mainder al J. S. cest adire, que

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The Exposition of

que quant le leſſee pur
vie eſt mort, que don-
ques le terre remainera,
ſerra, ou abide, oue, al,
ou en I. S. Vide Reuer-
ſion.

386 Remitter,

Remitter, eſt quant vn
home ad deux titles a
aſcun terre, & il vient al
terre per le darraine title,
vncore il ſerra adiudge
eins per force de ſon plus
eſne title, & ceo ſerra dit
a luy vn remitter, Come ſi
tenaunt en le taile diſcon-
tinu le taile, & puis diſ-
ſeſie ſon diſcontinuee &
moruſt ent ſeſi, & les ires
diſcendont a ſon iſſue ou
coſin inheritable per force
del taile, in ceo caſe il eſt
in ſon remitter, ceſt aſca-
voir, ſeſie per force del
taile, & le title del diſcon-
tinu eſt ouſterment a-
nyent & defeate, Et le rea-
ſon & cauſe de tiel remitt
eſt pur ceo que tiel heire
eſt tenant del terre, & neſt
aſcun perſon tenaunt vers
que il poit ſuer ſon brieſe
de Formedone pur re-
couer leſtate taile, car il
ne puit auer action vers
luy meſme.

that whē ſ lease for yerres
is determined, or leſſee for
life is deade, that then the
land ſhal remaine, ſhal be,
or abide with, to, or in I.
S. See Reuerſion.

Remitter.

Remitter, is when a man
hath two titles to a me
land, & he cometh to the
land by the laſt title, yet he
ſhall be iudged in by force
of his elder title, and that
ſhal be ſaid to him a remitte
ter, as if the tenaunt in the
taile diſcontinue the taile,
and after diſſeſeth his diſ-
continue and dieth therof
ſeſied, & the landes diſcen-
deth to his iſſu or coſin col-
lateral by force of the taile
in that caſe he is in his re-
mitter, that is to ſay, ſeſied
by force of the taile, & the
title of the diſcontinue is
utterly aduulled a defea-
ted, and the reaſon and
cauſe of ſuch remitter is,
for that that ſuch an heire
is tenāt of the land, & ther
is no perſon tenāt againſt
whom he may ſue his writ
of Formedon for to reco-
uer the eſtate taile, for he
may not haue an action a-
gainſt himſelfe.

Also

Also if ternaunt in the taile infeoffe his sonne or heire apparant in the taile which is within age, and after dyeth, that is a remitter to the heire: But if he were of full age at the time of such feoffement, it is no remitter, for that that it was his folly, that he being of full age, would take such a feoffement.

Also if the husband alien lands that he hath in the right of his wife, and after take an estate again to him and to his wife for terme of their liues, that is a remitter to the woman, for that that this alienation is the act of the husband & not of the woman, for no folly may be adiudged in the woman during the life of her husband: But if such alienation be by fine in court of record, such a taking again after ward to the husband & wife for term of their liues shall not make the woman to be in her remitter, for that in such a fine the woman shall be examined by the Judge, & such examinations in fines shall exclude

Auxy si tenant en le taile infeoffa son fites ou heire apparant en le taile que est deins age, & puis deuie, ceo est vn remitter al heire: Mes si il fuit de plein age al temps de tiel feoffement, il nest remitter, pur ceo que il fuit son folly, que il esteant de pleine age, voile prendre tiel feoffement.

Auxy si le baron alien terre que il ad en le droit son feme, & puis reprist estate a luy & a son feme pur terme de lour vies, ceo est vn remitter al feme, pur ceo que cest alienation est lact le baron & nemy laet de la feme, car nul folly puit este adiudge en le feme durant le vie le baron: Mes si tiel alienation soit per fine en court de record, tiel reprisel apres al baron & feme pur terme de lour vies, ne ferra la feme destre en sa remitter, pur ceo que en tiel fine la feme serra examine per le Iudge, & tielx examvnations en fynes excluderont tielx

The Exposition of

cielx femes a tous jours.

Auxy quant le entre de
ascun home est congeable,
& il prist estate a luy quant
il est de plein age, si ne soit
per fait endente, ou mat-
ter de record, que luy es-
toppera, ceo serra a luy
bon Remitter.

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Rents.

Rents, sont en diuers
maners., cestascavoir,
Rent seruice, Rent charge,
& Rent seck.

Rent seruice, est lou le
tenant en fee simple tient
sa terri de son Seignior per
fealtie & certain rent, ou
per auter seruice & rent, &
dongs si le rent de le te-
nant soit arrere, le Seigni-
our poit distraine pur la
rent: Mes pur ceo il iam-
mais naura action de det.

Auxy si ceo done terres
en le taile a vn home pay-
ant a moy certain rent, ore
tel rent est rent seruice:
Mes en tel case il couient
que le reuersion soit en le
donor, Car si home fait
feoffement en fee, ou vn
done en taile, le remain-
der ouster en fee sans fait,
reseruant a luy vn rent,
tel reservation est void,

such women for euer.

Also when the entre of
any man is lawful, a he tak-
eth an estate to him where
he is of full age, if it be not
by deed indented, or mat-
ter of record, which shall
estoppe him, that shal be to
him a good Remitter.

Rents.

Rents, be in diuers man-
ners, that is, Rent ser-
uice, Rent charge, and
Rent seck.

Rent seruice, is where
the tenant in fee simple
holdeth his land of his
Lord by fealtie & certain
rent, or by other seruice &
rent, and then if the rent of
the tenant be behind, the
Lord may distrain for the
rent: But for that he shal
not haue an action of debt.

Also if I giue land in
taile to a man paying to
me certain rent, then such
rent is rent seruice: But
in such case it behoueth
that the reuersion be in the
donor, for if a man make
a feffement in fee, or a gift
in taile, the remainder ouer
in fee without deed, reser-
uing to him a certain rent,
such reservation is void,
and

and that is by the statute
Quia emptores terrarum,
and then he shall hold of
the Lord of whom his do-
mour held.

But if a man by deed
indented at this day
make such gift in taile, the
remainder ouer in fee, or
lease for terme of life, the
remainder ouer, or a feffe-
ment, & by the same inden-
ture reserve to him rent,
and that if the rent be be-
hind, that well it is law-
ful to him to distrain, then
such rent is rent charge.

But in such case, if there
be not any such clause of
distresse in the deede, then
such rent is called *rēt seck*,
& for such rent seck he shall
never distrain, but if he
were once seised, he shall
haue assise, & if he were not
seised, he is without remedie.

Also if one graunt a
rent going out of his land
with clause of distres, that
is rent charge, and if the
rent be behind, the graun-
tee may chuse to distraine
or sue a writ of Annuity,
but he cannot haue both,
for if he bring a writ of
Annuity, then the land is

& ceo est per force del sta-
tute Quia emptores terra-
rum, & donques il tiendra
de le Seignior de que son
dour tenoit.

Mes si home per fait in-
dent a cel iour fait tiel
done en le taile, le remain-
der ouster en fee, ou leffa
pur term de vie, le remain-
der ouster, ou vn feoffe-
ment, & per mesme len-
denture reserva a luy vn
rent, & que si le rent soit
arere, que bien liroit a
luy a distrainer, ore tiel
rent est rent charge.

Mes en tiel case, si la ne
soit aucun tiel clause de
distresse en le fait, donques
tiel rent est appel *rēt seck*,
& pur tiel rent seck, il ne
iammais distrainera, mes
si fuit vn foits seisi, il auera
Assise, & si il iammais ne
fuit seisi, est sans remedie.

Auxy si vn graunt vn
rent issuant hors de sa terre
oue clause de distresse, cest
vn rent charge, & si le
rent soit arere, le grauntee
poit eslier de distrainer ou
suer vn brieve Dannuitie,
mes il ne poit auer ambi-
deux, car sil poit brieve de
Annuity, donqs le terre est
dis-

The Exposition of

discharge. Et si il distrain & auowe la prisell en court de record, donques le terre est charge, & le person del grauntor discharge.

Auxy si vn graunt vn rēt charge, & le grauntee purchase le moitie, ou ascun autre part ou paicel de le terre, de quelque petite value que il soit, donqs tout le rent est extinct.

Mes en rent seruice si le Seignior purchase parcel del terre, donques le rent serra apporcion.

Mes si vn ad vn rent charge, & son pere purchase parcel del terre, & cel parcel discende a le fits que ad le rent charge, ore cel rent serra apporcion solonque le value del terre, come est dit de rent seruice, pur ceo que le fits ne vient a ceo per son act demesne, mes per descent.

Auxy si ieo face vn lease pur terme dans reseruant a moy vn certain rent, cest appel vn rent seruice, & pur ceo il est a mon libertie a distrain pur le rent, ou auer vn action de

discharged. And if he distaine and auowe the taking in the court of record, then the land is charged, and the person of the grauntoz discharged.

Also if one grant a rent charge, and the grauntee purchaseth halfe, or any other part or parcel of the land, of whatsoeuer smal value it be, then all the rent is extinct.

But in rent seruice if the Lord purchase parcell of the land, then the rent shall be apporcioned.

But if one hath a rent charge, & his father purchase parcel of the land, and that parcel discendeth to the sonne which hath the rent charge, then the rent shall be apporcioned according to the value of the land, as it is said of rēt seruice, for that that p son cometh to that not by his owne act, but by descent.

Also if I make a lease for terme of yeeres reseruing to mee a certain rent, that is called a rent seruice, & for that it is at my libertie to distrain for the rent, or to haue an actiō of debt,

debt, but if the lease be determined, and the rent be behind, then I cannot distraine, but shalbe put to my action of debt.

And note well, that if þe Lorde be seised of the seruice and rent beforesaid, and they bee behinde, and he distraine, and the tenant rescueth the distresse hee may haue Assise, or a writ of Rescous, but it is more necessarie for him to haue assise thē a writ of rescous for þe by assise he shal recouer his rent & his damages, but by a writ of rescous he shall not recouer but damages, & the thing distrained shalbe reprised.

And note wel, that if the Lorde be not seised of the rent and seruice, and they be behind, and he distrain for them, and the tenant take again the distresse, he shall not haue assise, but a writ of rescous, and the Lorde shall not neede to shew his right.

And note well, that if the Lorde may not finde a distresse by two yeare, hee shal haue against þe tenant a writ of Cessauit per bien-

det mes si le lease soit determine, & le rent soit arrear, donques ieo ne puisse distraine, mes serra myse a mon action de det.

Et nota que si le seignior soit seisi des seruices & rent auantdits, & ils soient aderere, & il distrain, & le tenant rescue le distres, il poit auer assise, ou brieve de rescous. Mes il est plus necessarie pur luy de auer assise, que brief de rescous, pur tant que per assise il recouera son rent & ses damages, mes per cest brieve de rescous il ne recouera mes damages, & le chose distrain serra reprise.

Et nota que si le seignior ne soit my seisie del rent & seruice, & ils sont aderere, & il distraine pur eux, & le tenant reprent le distresse, il ne poit my auer assise, mes brieve de rescous, & ne couient my al Seignior de monstre son droit.

Et nota que si le Seignior ne poit my trouer distresse per deux ans, il auera vers le tenant brieve de *Cessauit per biennium*,

The Exposition of

nium, vt patet per lestatute de Westminster 2. ca. 21. Et si tenaunt deuie en le meane temps & son issue enter, le Seignior auera vers lissue briefe dentre sur Cessauit, ou si le tenaunt alien, le Seignior auera vers lalienee laurantdit briefe. Mes si le Seignior ad issue & deuie, & le tenaunt soit le arrerages de dit rent & seruices en le temps le pier del issue & nemy en le temps del issue, il ne poit my distrein pur arrerages en temps son pier, & il nauera ascun auter recouerie vers le tenaunt ou ascun auter, pur ceo que tiel aduantage est done per le ley al tenant. Et nota que rent seruice est ceo, a quel appent fealtie, mes a rent charge & rent secke ne appent pas fealtie, mes il appent a rent seruice de common droit.

Et nota si home distraigne pur rent charge, & le distres soit rescu de luy; & il ne fuit mie seisie adeuunt, il ne ad my recouerie forsque per

nium, as it appeareth by the statute of West. 2. ca. 21. And if the tenaunt die in the meane time and his issue enter, the Lord shall haue against y issue a writ of Entre vpo Cessauit, or if the tenat alien the lord shal haue against y alienee the foresaid writ. But if the Lord haue issue & die, and the tenant be in arrerages of the said rent and seruice in the time of the father of the issue, and not in the time of the issue, he may not distraigne for the arrerages in y time of his father, & he shal haue none other recovery against the tenat or any other, for that that such aduantage is giue by the law to the tenat. And note well that rente seruice is that to y which belongeth fealtie, but to rent charge and rent secke belongeth not fealty, but it belongeth to rent seruice of common right.

And note that if a man distraigne for rent charge, & the distres be take against his will from him, and hee was neuer seised before, he hath no recovery but by writ

Writ of Rescous for the distresse first takē giueth not to him seisin, only if he hap the rent before, for if he were seised of the rent before, and after the rent bee behind, and he distraine, & rescous to him be made, he shall haue **Affise**, or a writ of Rescous.

And note wel that in euery **Affise** of rent charge and annuall rent, or in a writ of Annuite, it beho- ueth to him that bringeth the writ to shew forth an especialtie, or els he shall not maintain the **Affise**. But in an **Affise** of Mort- dauncestor, or Formedon in the discender, or other writs, (in the which title is giuen or comprised) brought of rent charge, or annuall rent, it needeth not to shew the especialtie.

And note well, that if a man graunt a rent charge to an other, & the grauntee releas to the grantor par- cell of the rent, yet all the rent is not extinct.

And note well, that if rent charge be granted to two iointly, and the one release, yet the other shall

briefe de Rescous, car le distresse primerment fait ne done a luy seisin, forsq; sil happe le rent adeuant, car sil fuit seisie del rent adeuant & puis le rent soit aderere, & il distraine, & rescous a luy soit fait, il auera **Affise**, ou briefe de Rescous.

Et nota, que en chescun **affise** de rent charge & an- nual rent, ou en vn b're de Annuite, couient a celui que port le briefe de mon- stre auant vn especialtie, ou autrement il ne main- teinera le **Affise**. Mes en **Affise** de Mortdauncestor, ou Formedon en le discen- der, & auters briefes, (en les queux title est done ou comprise) port de rent charge, ou de annuall rent, nest my besoigne de mon- stre especialtie.

Et nota bien, que si home graunt rent charge a vn autre, & le grauntee releffa al grauntor parcel de le rent, vncore tout le rent nest extinct.

Et nota bien, que si rent charge soit graunt a deux iointment, & le vn releffa, vncore le autre auera

The Exposition of

auera le moitie del rent.
Et auxy si lun purchase le
moitie de le terre dont le
rent est issuant, l'auter
auera le moitie del rent
de son compaignon. Et si
le disseisor charge la
terre a vn estrange, & le
disseisee port l'assise & re-
couer, le charge est de-
feat. Mes si celui que ad
droit, charge la terre, &
vn estrange faine vn faux
action enuers luy que nad
droit, & recouer per
default, le charge de-
murra.

Et nota bien, que en case
que purpartie soit peren-
ter deux parceners, &
plus terre soit allotte a
lun que a l'auter, & el que
ad plus del terre, charge
sa terre al auter, & el
happe le rent, el main-
tainera Assise sans espe-
cialtie.

Et est vn Rent secke, lou
home tient de moy per
homage, fealtie, & auter
seruices, rendant a moy vn
certain rent per an, & ieo
graunt cest rent a vn au-
ter, reseruant a moy les
seruices.

Et nota bien, que si rent

haue the halfe of the rent.
And also if the one pur-
chase the halfe of the land
whereof the rente is go-
ing out, the other shall
haue the halfe of the rente
of his companion: and if
the disseisor charge the lād
to a stranger, and the dis-
seisee bring an assise & re-
couer, the charge is defea-
ted. But if hee that hath
right, chargeth the land, &
a stranger faine a false acti-
on against him which hath
no right, & recouereth by
default, the charge abideth.

And note well, that in
case that partition be be-
tween two parceners, and
more land be allotted to
one then to the other, and
shee that hath most of the
land, chargeth her land to
the other, & she happeneth
the rent, she shal maintain
Assise without especialty.

And it is a Rent secke,
where a man holdeth of
mee by homage, fealtie, &
other seruice, yeelding to
mee a certain rent by the
yeere, and I graunt this
rent to an other, reseruing
to me the other seruices.

And note wel, that if rent
seck

secke bee graunted to a man and to his heirs and the rent bee behinde, and the grauntour die, the heire may not distreine noz shall recouer the arrerages of the time of his father, as it is befoze saide of rent seruice.

And in the same māner it is to say of rent charge oz annuall rent: But in all these rents befoze said the heire may haue for the arrerages in his owne time such aduantage as his father had in his life. See the Statute 32. H. 8. cap. 37.

And note well, that in rent secke, if a man be not seised of the rent, and it be behind, hee is without recouerie, for that that it was his owne fully at the beginning when the rent was graunted to him oz reserued, that he tooke not seisin of the rent, as a peny oz two pence.

And note well that a man may not haue a Cessavit per biennium, oz another writte of Centre sur Cessavit for no rent secke behind by two yeres, but

seck soit grant a vn home & a les heires, & le rent soit aderere, & le grauntour deuye, le heire ne purra mye distreyner, ne recouera les arrerages de temps son pere, sicome est auaundit de rent seruice.

Et en mesme le maner est adire de rent charge ou annual rent: Mes en tous les rents auant dits le heire purroit auer pur arrerages en son temps demesne tiel aduantage come auoit son pere en sa vie. Vide Statutum 32. H. 8. cap. 37.

Et nota que en rent seck, si home ne soit seisi del rent, & il soit aderere, il est sauns recouerie, pur ceo que il fuit son folly demesne adeprimes quant le rent fuit graunt a luy ou reserue, que il ne prist my seisin del rēt sicome vn denier ou deux.

Et nota que home ne poit my auer Cessavit per biennium, ou vn autre brieve dentre sur Cessavit pur nul rent secke aderere per deux ans, mes

Y.j.

ils

The Exposition of

ils purront tantsolement
pur rent seruice, vt patet in
lestat W.2. cap. 21.

Et nota que en rent
secke il couient pur luy
que sue pur le rent secke
pur monstre fait al te-
naunt, ou autrement le
tenant ne serra my charge
del rent, forsque lou le
rent secke fuit rent ser-
uice aduuant, come en
cest case: Seignior, mes-
ne, & tenaunt, & chef-
cun de eux tient de au-
ter per homage & feal-
tie, & le tenant del mesne
per x.s. de rent, le Seigni-
or paramount purchase les
terres ou tenements del
tenaunt, tout le seignorie
del mesne, forspise le
rent, est extinct: Et pur
cest cause cest rent est
deuenus rent seck, & le
rent seruice change, car il
ne poit distraire pur cest
rent, & en cest case celui
que demaunda le rent ne
serra iammes charge de
monstre fait.

Auxy en bñ de *Mordar-
cester, Aile*, ou *Besaille*, de
rent secke, il ne besoigne
de monstre especialtie,
pur ceo que ceux briefes

only for rent seruice, as it
appeareth in the Statute
W.2. cap. 21.

And note well that in
rent secke it behoueth him
that sueth for the rent
seck for to shew a deed to
the tenaunt, or els the te-
nant shall not be charged
with the rent, but where
the rent secke was rent
seruice before, as in this
case: Lord, mesne and te-
nant, and euery of them
holdeth of other by ho-
mage and fealtie, and the
tenant of the mesne by x.s.
of rent, the Lord para-
mont purchase the lads
or tenementes of the te-
nant, all the seignorie of
the mesne but the rent, is
extinct: And for this cause
this rent is become rent
secke, and the rent seruice
changed, for hee may not
distraire for this rent,
and in this case hec that
demaundeth the rent shall
neuer be charged to shew
a deede.

Also in a writ of *Mor-
dauncestor, Aile*, or *Besail*,
of rent secke, it needeth
not to shewe a specialtie,
for that these writtes
of

of possession doe comprehend a title within themselves, that is to say, that the auncestour was seised of the same rent, and continued his possession, because of which seisin the law supposeth that it is also auerrable by the contrary.

Yet learne, for some suppose that it behooueth of necessity to shew forth a deed, for that that rent seck is a thing against common right, as well as rent charge.

But in Assise of Nouel disseisin, and in a writte of Entre sur disseisin brought of rent seck, it behooueth of necessity to shew forth a deed, for that that rent seck is a thing against a common right, except in the case before said, where it was rent seruice before, and by the act in law it is become a rent seck.

And assise of Nouel disseisin, and a writ of Entre sur disseisin, containe within them no title, but suppose a disseisin to be done to the plaintife, and of the intendement of the lawe

de possession comprehendont vn title deins eux mesmes, cestascavoir, que launcestor fuit seisi de mesme le rent, & continua son possession, per cause de quel seisin le ley suppose que est auxy auerrable per le pais.

Tamen quære, car aucuns supposont que il couient a fine force a monstre auant fait, pur ceo que rent seck est vn chose, encounter common droit, auxibien cõe rent charge.

Mes en Assise de Nouel disseisin, & in brieve de Entre sur disseisin port de rēt seck, il couient de fine force de monstre auant fait, pur ceo que rent secke est vn chose encounter common droit, sinon en le case suisdit, ou il fuit rent seruice adeuant, & per last del ley est deuenus rent secke.

Et Assise de Nouel disseisin, & brieve de Entre sur disseisin, ne conteigne deins eux nul title, mes supposont vn disseisine deste fait a le plaintife, & de entendement del ley,

The Exposition of

le disseisin ne done nul cause de auerement encounter comon droit, mes de fine force il monstra auant especialtie.

388 Repleuin.

R Repleuin est vn briefe, & gist quaut ascun home distraigne vn auter pur rent ou auter chose, donques il auera cest briefe al Vicont pur deliuer a luy le distres, & trouera suertie de pursuer son action, & si il ne pursua, ou si soit trouue & iudged encounter luy, donques cestuy que prist le distresse reauera le distres, & cest appel retourne des auers, & il auera en tiel case briefe que est appel *Returmo habendo*.

Auxy si soynt en ascun fraunchise ou bailiwike, le partie auera vn Repleuin del Vicount direct al Bailife de mesme le franchise pur eux redeliuer, & il trouera suertie de pursuer son action al prochaine countie. Et cest Repleuin poit estre remoue hors del Countie en le common banke per

the disseisin giveth no cause of auerement against common right, but of necessity it behoueth to shew forth a deed.

Replenin.

R Repleuin is a writ, and it lyeth when any man distrayneth another for rent or other thing, then he shall haue this writ to the Shyrife to deliuer to him the distres, and shall find suretie to pursue his action, and if he pursue it not, or if it bee founde or iudged against him, then he that tooke the distresse shall haue againe the distresse, & that is called the retourne of the beasts, & he shall haue in such case a writ that is called *Returmo habendo*.

Also if it be in any franchise or bailiwike, & partie shall haue a Repleuin of the Shyrife direct to the Bayliffe of the same franchise for to deliuer them againe & he shall find suertie to pursue his action at the next countie. And this Repleuin may be removed out of the countie vnto the comon place by a writ

writ of Recordare.

Looke moze of Repleu in the title Distres.

Also a writ of Homine replegiando lieth where a man is in prison & not by speciall cōmandement of þe king, nor of his iustice, nor for the death of a man nor for þe kings forrest nor for such cause that is not repleuisable, then hee shall haue this writ directed to the shirife þe cause him to bee repleued: this writ is a Justices & not returnable, & if the shirife doe it not, then there shall goe forth another writ, sicut alias, & afterward another writ sicut pluries vel causam nobis significes, which shalbe returnabl, & if þe shirife yet make no repleuin, then there shal go forth an attachment against þe shirife directed to the Coroners to attach the shirife & to bring him before þe Justices at a certaine day, & further moze þe they make execution of the first writ.

389 Replication.

Replication, is when the defendant in any action

briefe de Recordare.

Vide plus de Repleuin deuant titulo Distres.

Auxy briefe de Homine replegiando gist lou vn home est en prison, & nemy per especial cōmandement le Roy ne de ses Justices, ne pur mort de home, ne pur le forest le Roy, ne pur tiel cause que nest repleuisable, donques il auera cest briefe directe al vicont que il luy faire esse repleue: & cest briefe est vn Justices & nient returnable, & si le vicont ne ceo face donque isslera auter briefe sicut alias, & apres auter briefe sicut pluries, vel causam nobis significes, que serra returnable, & si le vicont vncore ne face repleuine, donques isslera vn attachment vers le vicont directe al coroners dattacher le vicont & de luy amesner deuant les Justices a vn certaine iour, & ouster ceo que ils facent execution del premier briefe.

Replication.

Replication, est quant le defendāt en ascun actiō
Y.iiij. fait

The Exposition of

fait respons, & le plaintife
fait vn respons a ceo, ceo
est appel le Replication
del plaintife.

maketh an aunswere, and
the plaintife maketh an
aunswere to that, that is
called the Replication of
the plaintife.

390 Reprises.

REprises, sont deducti-
ons, payments, & due-
ties, que va annuellement
& sont pay hors dun man-
nor. Come rent charge,
rent secke, pention, co-
rodies, annuities, fees del
seneschal ou bailife, & tiels
sembles.

Reprises.
REprises, are deductions
payments, and duties
that goe yearely and are
paide out of a manor. As
rent charge, rent secke, pen-
tions, corodies, annuities,
fees of stewards, bailife, &
such like.

391 Receite.

REceite est quant ascun
action est port vers te-
nant pur terme de vie, ou
tenant a terme dans, &
cestuy en la reuersion vi-
ent eins & priu destre res-
ceiue pur defendre la ter-
re & pur pleder ouesque
le demandant. Auy
quant il vient il couient
que il soit toures foits prist
a pleder oue le deman-
dant. En mesme le man-
ner feme serra resceiue pur
defaut son baron en action
port vers eux ambideux: Et
auxy tenant pur ans serra
receiue a defend' son droit

Receite.
REceite, is when any ac-
tion is brought against
the tenant for terme of life
or tenant for terme of
yeares, and hee in the re-
uersion, cometh in and
praieyth to bee receiued for
to defend the land and for
to plead with the deman-
dant. Also when hee com-
meth it behooueth that he
be alway ready to pleade
with the demandant. In
the same manner a wife
shalbe receiued for the de-
fault of her husband in an
action brought against
them both: And also te-
nant for yeares shal be re-
ceiued to defend his right
where

wher in an action brought
against the tenaunt of the
feehold he pleadeth faint-
ly.

392 Rescous.

Rescous, is a writ and it
lyeth when any man
taketh a distresse and an-
other taketh it againe fro
him and will not suffer
him to carie the distresse
with him, then hee doth to
him rescous and by that
he may haue this writ and
shal recouer damages. Also
if one distraine beastes
for damages fesaunt in
his ground, and driueth
them in the hie way for to
impound them, and in go-
ing they enter into the
house of him whose they
be, and hee withholdeth
them there and will not
suffer any other to impounde
them, then that withhold-
ing is a rescous.

393 Reseruatiō.

Reseruatiō, is taken di-
uers wayes, and hath
diuers natures, as some-
times by waie of excepti-
on to keepe that which a
man had before in him, as
if a lease bee made for

lou en action port vers te-
naunt del franktenement
il plede faintment.

Rescous.

Rescous est vn briefe &
gist quant ascun home
prent distres & vn autre
reprist la distresse de luy
& ne voyle suffer luy
de amesner le distresse
oue luy, donques il fait
a luy rescous, & sur
ceo il puit auer cest
briefe & recouera dam-
mages. Auxy si vn dis-
traine bests pur damage
fesaunt en la terre & les
enchasea per le hant chy-
min pur eux enparker
& en alant ils entrent
en le meason celuy a
que ils sont, & il eux
detient la & ne voile suffer
l'autre de eux imparker,
donques ceo deteyner est
rescous.

Reseruatiō.

Reseruatiō, est pris di-
uers voyes, & ad diuers
natures, come ascun foits
per voy de exception de
reserue ceo que vn home
ad deuant en luy, Come
si vn lease soyt fait pur

Y.iiiij.

ans

The Exposition of

ans de terre reseruant les
graund arbors cressants
sur ceo. Ore le lessee ne
poit meddle ouesque eux,
ne ouesque ascun chose
que vient per reason de
eux cy longe come il de-
murt en, ou sur les arbors,
come mast de Oke, chest-
nut, pomes, ou tiels sem-
blables. Mes sil chient del
arbors al terre, donques
ils sont en droit lessees,
car le terre est lesee a luy,
& tout sur ceo nient re-
serue &c.

Aïcun foites vn reser-
uation obtaineth & port
hors vn autre chose que
ne fuit deuant. Come
si vn homme lesee ses ter-
res reseruant annualment
pur ceo xx. li. &c. Et di-
uers autre tiels reseruati-
ons y sont.

Et nota que en auncient
temps, leur reseruati-
ons fueront sibien (ou pur le
plus part) en victuals, soit
ceo carne, pishe, blees,
pane, boyer, ou auter mēt,
come en money, tanque al
darraine, & especialment
en le temps del Roy Hen-
rie le primer per agree-
ment, le reseruati-
on de

peares of grounde reser-
uing the great tres grow-
ing vppon the same, now
the lessee may not meddle
with them, nor with a-
ny thing that cometh by
reason of them so long,
as it abydeth in, or vppon
the trees, as mast of Oke,
Chestnut, Appels, or such
like, but if they fall from
the trees to the grounde
then they are in right the
lessees, for the ground is
let to him, & all thereup-
on not reserued &c.

Sometimes a reserua-
tion doth get and bring
foorth an other thinge
which was not before. As
if a man lease his landes
reseruing pearely for the
same xx. li. &c. And diuers
other suche reseruati-
ons there be.

And note that in aunc-
ient time, their reserua-
tions were as well (or
for the more parte) in vic-
tuals, whether flesh, fish,
Corne, Bread, Drinke, or
what else as in money, vntil
at the last, & that chiefely
in the Raigne of King
Henrie the first by agree-
ment, the reseruati-
on of
victuals

viduals was changed in-
to ready money, as it hath
hitherto since continued.

viduals fuit change en
prist money, come il ad
tanque cy continue.

394 Resignation.

Resignation, is where an
incumbent of a Church
resigneth or leaueth to the
Ordinarie, which did ad-
mit him to it, or to his suc-
cessours, and that differeth
from surrender, when by
that he to whome the re-
signation is made hath
no interest in the thing so
resigned, but he to whome
the surrender is made
hath by that the thing it
selfe, by that surrender.

Resignation.

Resignation est lou vn in-
cumbent dun Esglise
resigne ou relinguish al
Ordinarie, que luy ait ad-
mit a ceo ou a les succes-
sors, & ceo differre del sur-
render quant per cell il a
que le resignation est fait
nad ascun interest in le
chose issint resigne, mes
cestuy a que surrender
est fait auoyt per ceo le
chose mesme, per ceo sur-
render.

395 Retraxit.

Retraxit, is the preter-
perfecten.e of Retraho,
compounded of Re and
traho, which make Retra-
ho, to plull backe. And is
when the partie plaintife
or demaundant commeth
in proper person into the
Court where his plee is,
and saith that hec will not
proceede any farder in the
same &c. nowe this shall
be a barre to the action for
euer.

Retraxit.

Retraxit, est le preter-
perfectence de Retra-
ho, compound de Re &
traho, que signifie Retra-
ho, pur euuller arrere. Et
est quant le partie plain-
tife ou demaundant vient
en proper person en le
Court ou son suit est,
& dit que il ne voyt vlt-
rius prosequi in placito
illo &c. Ore ceo sera vn
barre al action a toutes
iours.

Recue

The Exposition of

396 Reeue.

Reeue est vn officer, mes plus conus en auncient temps que a cest iour : Car chescun manor ad donques vn Reeue, & vncore en diuers Copyhold manours (ou le veyle custome ascun chose preuayle) le nosme & office nest en tout oblie. Et est en effect ceo que a ore chescun Baylife dun manor practise: nient obstant le nosme de Baylife ne fuit donques en vre enter nous, esteant puis port eins per les Normans: Mes le nosme de Reeue auncientment appelle Gereue (quel particle (Ge) en continuance de temps fuit ousterment omise & perde) vient del Saxon parol Gerefa, que signifie vn Ruler: Et issint verament son rule & auctoritey fuit large deins le compasse del manor son Seignior & enter ses homes & tenantes, cybien en choses de gouernement en peace & guerre, come en le skilfull vse & trade de husbandrie: Car sicome il

Reeue.

Reeue is an Officer, but more known in auncient time then at thys day: For almost euery manor had then a Reeue, and yet still in many Copyhold manors (where the old custome any thing preuayleth) the name and office is not altogether forgotten. And is in effect that which now euery Bailife of a manor practiseth: although the name of Baylife was not then in vre among vs, being since brought in by the Normans: But the name of Reeue aunciently called Gereue (which particle (Ge) in continuance of time was altogether left out and lost) came from the Saxon woord Gerefa, which signifieth a Ruler: And so in deed his rule and auctoritey was large within the compasse of his Lords manor and among hys men and tenants, aswell in matters of gouernement in peace and warre, as in the skilfull vse and trade of husbandrie: For as he did
ga.

gather his Lords rents, pay reprises, or duties issuing out of the manor, set the servants to work, fell and cut downe trees to repaire the buyldings, and inclosures, with diuers such like for his Lordes commoditie: So also hee had authoritie to gouerne and keepe the tenants in peace, and if neede requyred, to leade them forth in warre.

collect les rents del Seignior, paie reprises, ou duties issuant hors del manor, appoint les servants de worker, succide & decoupe arbres pur repaier les edifices, & inclosures, ouesque diuers tiels semblables pur le commoditie del Seignior: Issint auxy il ad authoritie de gouerner, & garder les tenants en peax, & sil besoigne, de conducer eux en guerre.

397 Reuerſion.

Reuerſion of land, is a certaine estate remayning in the lessor or donor, after the particuler estate and possession conueyed to an other by lease for life, or yeeres, or gift in taile.

And it is called a Reuerſion in respect of the possession seperated from it: so that he that hath the one, hath not the other at the same time, for being in one bodie together, there can not be said a reuerſion, because by the uniting, the one of them is drowned in the other:

Reuerſion.

Reuerſion de terre, est vn certaine estate remanant en le lessor ou donor, apres le particuler estate & possession conuey al vn autre per lease pur vie, ou ans, ou done en taile.

Et est appelle vn Reuerſion en respect de le possession separee de ceo: issint que il que ad le vn, nad le autre a mesme le temps, car esteant en vn corps siuul, la ne poit este dit vn reuerſion, pur ceo que per le uniting, lun est merge en l'autre.

Et

The Exposition of

Et issint le reuerfion del
terre, est le terre mesme
quant il eschuest.

And so the reuerfion of
land, is the land it selfe
when it falleth.

398 Riot.

Riot, est lou trois (al
meines) ou plures font
ascun illoyal act: come de
bater vn home, entre sur
le possession dun auter, vel
huiusmodi.

Riot,
Riot, is where three (at
the least) or more do
some vnlawfull act: as to
beate a man, enter vpon
the possession of an other,
or such like.

399 Robberie.

Robberie, est quant vn
home prent ascū chose
del person dun auter felo-
niousement, coment que
la chose prise ne soit al
value forsque dun denier,
vncore il est felonie, pur
quel le offendor suffera
mort.

Robberie.
Robberie, is when a
man taketh any thing
from the person of another
feloniously, although the
thing so taken be not to
the value but of a peny,
yet it is felonie, for which
the offendor shall suffer
death.

400 Rout.

Rout, est quant people
assemble eux mesmes,
& puis procedant, ou chi-
uauchant, on allant auant,
ou mouent per instigation
de vn ou plusors, que est
conduct' de eux: Cest ap-
pelle vn Rout, pur ceo que
ils mouent, & proceed en
routs & numbers.

Rout.
Rout, is when people
do assemble themselves
together, and after do pro-
ceed, or ride, or go forth,
or do moue by the instiga-
tion of one or more, who
is their leader: This is
called a Rout, because
they do moue, and proceed
in routs and numbers.

Item ou plures assem-
ble eux sur leur qua-
rels & braules demefne:
come si les inhabitantes

Also where many assem-
ble themselves together
vpon their own quarels &
brawls: as if y inhabitants
of

of a town wil gather them selues together, to break hedges, pales, or such like to haue common there, or to beate another that hath done to them a common displeasure, or such like, that is a Rout & against the law, although they haue not done or put in execution theyr mischieuous intent. See the Statute 1. Ma. cap. 12.

dun ville voile assembler eux, pur debruſer huys, mures, fosses, pales, ou tiels semblables dauer common la, ou de bater vn autre que ad fait al eux vn common displeasure, vel huiusmodi, cest vn Rout & encourter le ley, coment que ils nont fait ou mis en execution lour male entent. Vide lestatute 1. Ma. cap. 12.

S

401

Sake.

SAke, this is a plee and correction of trespassse of men in your court, because (Sake) in English, is Acheson in French, & sake is put for sick, as to say for sick, sake, also for what hurt, and Sake is put for forfait.

402

Scire facias.

SCire facias, is a writ iudiciall going out of the record, & it lieth where one hath recovered debt or damages in the R. court, & he sueth not to haue execution within the peere & the day, then after ̄ peere & the day he shal haue ̄ said writ to warn the party, & if ̄ party

S

Sake.

SAke, hoc est placitum & emenda de transgř hominũ in curia vestra, quia (Sake) Anglice, est Acheson Gallice, & Sake est mis pur Sick, & dicitur pur sick, sake, idem quod pur quel acheson, & Sack dicitur pur forfait.

Scire facias.

SCire facias, est vn briefe iudicial issant hors de record, & gist lou vn ad recouer dette ou damages en court le Roy, & il ne sue pas dauer execution deins lan & le iour, donques apres lan & iour il auera le dit briefe a garner le partie, & si le partie
ne

The Exposition of

ne vient, ou sil vient & ne scauoit riens dire encounter execution donques il auera vn brieve de Fieri facias directe al Vicount luy commaundant que il leuie le det ou les damages des biens celuy que ad perdue.

Auxy le brieve de Fieri facias gist deins lan sans aucun Scire facias fuer.

Auxy si le summe de mesme le dette ou damages ne poit este leuy des biens celuy que auoit perdue, donques il poit auer vn brieve de *Elegit* direct al Vicount que il fac' luy deliuer la moitie de sa terre & biens except ses boues & affries de sa carue.

Auxy quant vn ad recouuer det ou damages en action personall (lou le proces est vn *capias*) il poit auer vn autre brieve de execution appell *capias ad satisfaciendum*, pur prender le corps celuy que est issint condempne que sera commit al prison illonques a demurrer sans baile ou mainprise tanque il ad satisfie le partie.

come not, or if he come & nothing say to discharge or stay the execution, then he shal haue a writ of Fieri facias directed to the shirife him comanding that he leuie the debt or damages of the goods of him that hath lost.

Also þ writ of Fieri facias lieth within the yeere without any scir fac' sued.

Also if the summe of the same debt or damages may not bee leuied of the goods of him that hath losse them, he may haue a writte of *Elegit* directed to the Shirife, that he cause him to deliuer þ one halfe of his lāds and goods except his oren and implements of his cart.

Also when one hath recouered debt or damages in an actiō parsonal (wher the proces is a *Capias*) he may haue an other writ of Execution called a *Capias ad satisfaciendum* for to take the bodie of him that is so condempned, whi. h shalbe committed to prison there to abide without bail or mainprise til & he hath satisfied the partie.

Also

Also when one hath iudgement to recouer any landes or tenementes, he shall haue a writte called Habere facias seisinam direct to the shirife, him cōmāding to deliuer to him seisin of the same lande so recouered. See more of it in the title Fieri facias, and in the title Execution.

4³ Scot.

S Cot, that is to bee quite of a certain custome, as of common tallage made to the vse of the Shirife or Bailife.

4⁴ Knights seruice.

To hold by knights seruice, is to holde by homage, fealtie, and escuage, and it draweth to it ward, marriage, and reliefe.

And note that knights seruice, is seruice of lands or tenementes to beare armes in warre in the defence of the Realme, and it oweth warde and marriage, by reason that none is able, nor of power, nor may haue knowledge to beare armes, before that he be of the age of 21. yerres. And to the end that the Lord shall not leese that,

Auxy quant vn ad iudgement de recouer ascun terres ou tenementes, il auera vn briefe appelle Habere facias seisinam direct al vicont, luy commandant de deliuer a luy seisin de mesme le terre issint recouer. Vide plus de ceo en le title Fieri fac. & en le title Execution.

Scot.

S Cot, hoc est quietū esse de quadam consuetudine, sicut de communi tallagio facto ad opus vicecomitis vel balliuorum eius.

Seruice de chiualer.

Tener per seruice de chiualer, est a tener per homage, fealtie, & escuage, & treit a luy gard, marriage, & reliefe.

Et nota que seruice de Chiualer, est seruice de terres ou tenements pur armes porter en guerre en defence del Roialme, et doit gard & marriage appent, per reason que nul est able, ne de power, & ne poit auer conusans darmes porter, deuaunt que il soit del age de xxj. ans. Et al fine que le Seignior ne perdera ceo, que

The Exposition of

que de droit il doit auer, & q̄ la power de la royalme de rien ne soit enfeeble: la ley voet per cause de son tender age que le Seignior luy auera en la garde tanque al pleine age de luy, cestascavoir xxj.ans.

Vide de ceo pluis en le title Graund seriantie, & en le title Escuage.

405 Shewing.

S Hewing hoc est quietū esse cum attachiament in aliqua curia, & coram quibuscunque in querelis ostensis & non aduocat.

406 Sok.

S Ok, hoc est secta de hominibus in Curia vestra, secundum consuetudinem Regni.

407 Sokmans.

S Okmans, sont les tenāts en auncient demesne, queux tient lour terres per Socage, cest adire per seruice del carue, & pur ceo ils sont appel Sokmans, que est tant adire come tenants ou homes queux tient per seruice del carue, ou homes del carue: Car Sok signifie un carue.

that of right hee ought to haue, and that the power of the realme, be nothing weakened, The lawe will because of his tender age, that þe lord shall haue him & his landes in his ward till the ful age of him, that is to say xxj. peeres.

Look of that more in þe title Graund seriantie, and the title of Escuage.

Shewing.

S Hewing, that is to bee quite with attachment in any Court, and before whom soeuer in plaintes shewed and not auowed.

Sok.

S Ok, this is suite of men in your Court, according to the custome of the Realme.

Sokmans.

S Okmans, are the tenāts in auncient demesne, that helde their landes by Socage, that is by seruice with the plough, and therefore they are called Sokmans, whi h is as much to say as tenants or men that holde by seruice of the plough, or plowmen: For Sok signifieth a plough.

And

And these Sokmans or tenants in auncient demesne, haue many and diuers libertiez giuen and graunted to them by the law as well these tenants that holde of a common person in auncient demesne, as those that holde of the Queene in auncient demesne, as namely to be free from paying tolle in euery Market, Faire, Towne, & Citie throughout the whole Realme, as well for their goods and castels that they sell to others, as for those things that they buy for their provision, of other. And therupon euery of them may sue to haue letters patētis vnder the Quenes seale directed to her officers, and to the Maiors, Baylives, and other officers in the Realme to suffer them to be tolle free.

Also to be quite of pontage, murage, & passage, as also of taxes and tallages graunted by Parliament, except that the Q. tax auncient demesne, as shee may at her pleasure for some great cause

Et ceux Sokmans ou tenaunts en auncient demesne, ont plusors & diuers liberties done & graunt a eux per le ley, sibien ceux tenants queux tient dun common person en auncient demesne come ceux queux tient del Roigne en auncient demesne, come nosment destte quite de paier tolle en chescun Market, fayre, ville, & Citie per tout le Realme, sibien pur leur biens & chattels que ils vende as auters, come pur ceux choses que ils achateront pur leur provision, de auters. Et sur ceo chescun de eux poit suer dauier letters patents desouth le seale le Roigne a ses officers, & al Maiors, Baylives, & auters officers en le Realme de suffer eux destte quite de tolle.

Item destte quite de pontage, murage, & passage, & auxy de taxes & tallages graunt per Parliament, sinon que le Roigne taxe auncient demesne, come el poit a sa pleasure pur graund cause.

Z.j.

Auxy

The Exposition of

Auxy destre quite de payments a les expences del Chiualers del shire queux vient al Parliament.

Et si le Vicount voile distrainere eux, ou ascun de eux destre contributorie pur lour terre en auncient demesne, donques lun de eux ou tous come le case require poit suer vn brieve direct al Vicont, luy commandant, que il ne compel eux destre contributories al expences de Chiualers. Et mesme le brieve luy command auxy, que si il ad distraigne eux pur ceo, que il redeliuer mesme le distres.

Item que ils ne deueront estre impanel, ne mis en Iuries & Enquests en le pais hors de lour manor ou Seigniorie de auncient demesne, pur les terres queux ils teigne la (sinon que ils ont auters terres al common ley, pur queux ils deueront estre charge.)

Et si le Vicount retourne eux en pannels, donques ils poient auer vn brieve

Also to be free from payments towardes the expences of the knights of the shire that come to the Parliament.

And if the Shirefe will distraine them, or any of them to be contributorie for their landes in auncient demesne, then one of them or all as the case requireth, may sue a writte directed to the shirefe commanding him that he do not compel them to be contributories to the expences of the knights. And the same writte doth command him also, that if he haue alreadye distrapned them therfore, that he redeliuer the same distresse.

Also that they ought not to be impannelled, nor put in Juries & enquests in the countrey out of their Mannor or lordship of auncient demesne, for the landes that they holde there (except that they haue other landes, at the comon law, for which they ought to be charged.) And if the Shirefe do retourne them in pannels, the they may haue a writte directed

directed to him de nō ponendis in assisis & iuratis: And if he do the contrary, then lieth an attachment vpon that against him.

And so it is also if the Bailifes of franchises that haue retorne of writs will retorne any of the tenants which holde in ancient demesne in Assises or iuries.

And also to be except frō Leetes and the Shyriſes turne, with diuers other such like liberties.

408 Socage.

To hold in Socage is to hold of any Lord lāds or tenements, yeelding to him a certain rēt by y pere for all māner of seruices.

And note well, that to hold by Socage is not to hold by knights seruiſe, nor to it belongeth ward, mariage, nor reliefe, but they shal double once their rēt after the death of their auncellor, according to that that they bee wont to pay to their Lord.

And they shal not be ouer measure grieued, as it appeareth in the Treatise of

direct a luy de Non ponendis in assisis & iuratis: Et si face al contraire, donques gist vn Attachmēt iur ceo enuers luy.

Et issint est auxy si les Bailifes des franchises q̄ux ont retournes des brieses voile retourne ascun del tenants queux teigne en ancient demesne en assises ou iuries.

Et auxy destte exempts del leetes, & de turnes del Vicont, ouesq; diuers autres semblables liberties.

Socage.

Tener en Socage est a tener dascun S̄rterres ou tenem̄ts rendant a luy vn certain rent per an pur tous maner des seruices.

Et nota que tener per Socage n'est pas tener per seruice de Chivaler; ne la appent gard, mariage, ne reliefe, mes ils doubleront vn foites leur rent apres le mort leur auncellor; solonque ceo que soloyent paier a leur Seignior.

Et ils ne seront ouster mesure grecues; come il appiert en le treatise de
Zij. gardes

The Exposition of

gardes & Reliefes.

Et nota que Socage poit estre dit en trois maners, cestascavoir, Socage en franke tenure, Socage en auncient tenure, & Socage en base tenure.

Socage en frank tenure est quant vn tient dun per fealty & certain rent pur tous maner des seruices, come deuant est dit.

Et de tous terres tenus en socage le prochein amy auera le gard a que le heritage ne purra my discender, tanque al age le heire de xiiij. ans, cestascavoir, si le heritage veigne per le part le pere, ceux del part le mere aueront le gard. Et econtra.

Et nota que si Gardian en Socage fait wast, il ne serra my empeach de waste: Mes il rendra accoumpt al heire quant il viendra al plein age de xxj. ans. Et vide Lestatute de Marlebridge capitulo .17. pur cest matter.

Socage de auncient tenure est ceo lou les gents en auncient demesne

wardes and Reliefe.

And note wel that Socage may be said in 3. maners, that is to say: Socage in free tenure, Socage in auncient tenure, and Socage in base tenure.

Socage in free tenure is when one holdeth of an other by fealty and certain rent for all manner of seruices, as is before said.

And of all landes holden in Socage the next kinnes body shal haue the warde to whom the heritage may not discend, till the age of xiiij. yeeres, that is to say: if the heritage come by the part of the father, they of the part of the mother shal haue the warde, And contrariwise.

And note wel that if the Gardian in Socage doe make wast he shal not be impeached of wast, but he shal yeelde accoumpt to the heire when hee shal come to his ful age of xxj. yeeres. And looke the statute of Marleb. cap. 17. for this matter.

Socage of auncient tenure is that where the people in ancient demesne helde,

helde, which vse no other writ to haue then the writ of Right close, which shall bee determined according to the custome of the maner, and the Monstrauerunt for to discharge them whē their Lord distraineth the for to doe other Seruices that they ought not to do.

And this writ of Monstrauerunt ought to bee brought against the lord, and these tenants holde al by one certain seruice, and these bee free tenaunts of ancient demesne.

Socage in base tenure is where a man holdeth in auncient demesne, that may not haue the Monstrauerunt, and for that it is called the base Tenure.

409 Summons ad warrantizandum &c.

Summons ad warrantizandum & sequatur sub suo periculo, See of them after in the title voucher.

410 Spoliation.

Spoliation, is a sute for the frutes of a Church, or for the Church it selfe, & it is to be sued in the spiri-

tenoyent, que ne soyent auter brieve auoir que le brieve de Droit close, que serra determine secundum consuetudinem manerij, & le Monstrauerunt pur eux discharger quant leur Seignior eux distraint pur faire auters seruices que faire ne duissent.

Et cest brieve de Monstrauerunt doit estre port enuers leur seignior, & ceux tenautes teignent tous per vn certaine seruice. Et ils sont franktenants de ancient demesne.

Socage en base tenure, est lou home tient en ancient demesne, que ne puit auer le Monstrauerunt, & pur ceo il est appell le base Tenure.

Summons ad warrantizandum &c.

Summons ad warrantizandum & sequatur sub suo periculo, vide de ceux apres en le title voucher.

Spoliation.

Spoliation, est vn suite pur les frutes dun esglis, ou pur les glis mesme, & est destee sue en le spiritual

Z.iiij.

tual

The Exposition of

tuall Court, & nemy en
les temporall Courtes. Et
cest suite gist pur vn en-
cumbent enuers vn autre
encumbent, ou ils am-
bideux claime per vn pa-
tron, & lou le droit del
patronage ne vient in
question ou debate. Co-
me si vn person soit cree
vn Euesque & ad dispen-
sation de tener son rec-
torie, & puis le patron
present autre encumbent
que est institute & in-
duct: Ore leuesque poet
auer enuers cestuy en-
cumbent vn Spoliation
en le spirituall Court, pur
ceo que ils ambideux
claime per vn patron, &
le droit del patronage ne
vient en debate, & pur ceo
que l'autre encumbent
vyent al possession del
benefice per le course del
ley spirituall, cest asca-
voir, per institution &
induction, ilsint que il
ad colour de auer ceo, &
deste person per le espi-
rituall ley. Car autre-
ment sil ne soit institute
& induct &c. Spoliation
ne gist enuers luy,
mes vn briefe de Tres-

tuall Court, and not in the
temporall Courtes. And
this suite lieth for one in-
cumbent against another
incumbent, wher they both
claime by one patron, and
where the right of the pa-
tronage doth not come in
question or debate. As if a
Parson bee created a Bi-
shop, & hath dispensation to
keepe his benefice still, and
afterward & Patron pre-
sents another incumbent
which is instituted, & in-
ducted: Now the Bishop
maie haue against that
Incumbent a Spoliation
in the Spirituall Court.
because they claime both
by one Patron, and the
right of & patronage doth
not come in debate, and be-
cause that the other in-
cumbent came to the possession
of the benefice by & course
of the Spirituall Lawe,
that is to say, by instituti-
on & induction, so that he
hath colour to haue it and
bee Parson by the spirit-
tuall Lawe. For other-
wise if he be not instituted
and inducted &c. Spolias-
tion lieth not against him,
but rather a writ of Tres-
pas

pas, or an assise of Nouel disseisin &c.

So it is also where a person which hath a pluralitie doeth accept an other benefice, by reason whereof the Patron presents another clerke, who is instituted and inducted, now the one of them may haue Spoliation against the other, and then shall come in debate if hee haue a sufficient pluralitie or not. And so it is of deprivation &c.

The same law, is where one saileth to the Patron, that his Clerke is deade, where vpon he presents another: There the first incumbent which was supposed to bee deade may haue a Spoliation against the other, and so it is in diuers other like cases, whereof See Fitzherbert Nat.breuium.

pas, ou vn assise de nouel disseisin &c.

Ilsint est auxy lou vn person que ad pluralitie, accept auter benefice, per reason de que le Patron present vn auter clerke, que est institute & induct, ore lun de eux poit auer Spoliation enuers le auter, & donques viendra en debate si il ad vn sufficient pluralitie ou non. Et ilsint est de deprivation &c.

Mesme le ley est, lou vn dist al patron, que son clerke est mort, sur que il present vn auter, La le primer incumbent que fuit surmise de estre mort poit auer vn Spoliation enuers lautre. Et ilsint en diuers auters semblables cases de que veyes Fitzherbert Natura breuium.

411 Stallage.

STallage, that is to bee quit of a certaine custome exacted for streete taken or assigned in faires and markets,

Stallage.

STallage, hoc est quietum esse de quadam consuetudine exact' pro platca capta vel assignata in nudinis & mercatis,

Z.iiij.

Suit

The Exposition of

412 Suit couenant.

SVit couenant, est quant vostre auncestors ont couenant oue mes auncestors de furer a le court mes auncestors.

413 Suit custome.

SVit custome, est quant ieo & mes auncestors ont estre seisis de vostre suite demesne & vostre auncestors de temps dont memorie ne court.

414 Suit reall.

SVit reall, est quant homes vient al turne de vicont ou leete, a q courts tous homes serra compell de vener a conufter les leyes, issint que ils ne serra ignorant de les choses queux serra monstres li coment ils serra gouvernes. Et est appell real suit per cause de lour allegiance, & ceo appiert per commo experience quant vn est iure, son othe est que il serra loyal & foyall home al Roigne. Et ceo suit nest pur le terre que il tient deins le countie, mes p reason de son person, & pur son resiance la, & doit estre fait deux foys per an,

Suit couenant.

SVit couenant, is when your auncestors haue couenanted with my auncestors to sue to the court of my auncestors.

Suit custome.

SVit custome, is when I and my auncestors haue beene seised of your owne suite and your auncestors time out of minde &c.

Suit reall.

SVit reall, is when men come to the Shirifes turne or leete, to which court all men shal be compelled to come to knowe the laws, so that they shal not be ignorant of things that shalbe declared there how they shalbe governed And it is called reall suite because of their allegaunce, and this appeareth by common experience when one is sworne, his othe is that he shalbe a loyall & faithfull man to the Queene, And this suite is not for the land which he holdeth within the Countie, but by reason of his person, & his abode there, & ought to bee done twise a yere, for

for default whereof, he shall be amerced and not distrained.

415 Suit seruice.

Suit seruice, is to sue to the Shirifes Turne or Leete, or to the Lordes Court from thre weekes to thre weekes by the whole peere: And for default thereof, a man shalbe distrained and not amerced. And this suit seruice is by reason of the tenure of a mans lands.

416 Statute Marchant.

Thold by Statut Marchant, is where a man knowledgeth to pay certayne money to an other at a certayne day before the Maioz, Baylife, or other wardein of any town that hath power to make execution of the same statut, & if the obligor pay not the debt at the day, & nothing of his goods, lands, or tenements may bee found within the warde of the Maioz or warden before said, but in other places without, then the recognisee shall sue the recognisance & obligation with a certification to the Chan-

pur default de que, il sera amercie & nemy distreigne.

Suit seruice.

Suit seruice, est de fuer al Turne del Viscount ou Leete, ou al Court de le Seignior de trois semaines en trois semaines per l'entier an: Et pur default de ceo, vn hōc sera distreigne & non amercie. Et cest suit seruice est per reason del tenure del terres dun home.

Statute Marchant.

Tener per Statute Marchant, est lou home conuist a payer certain deniers a vn autre a certaine iour deuant le Maioz, Baylife, ou autre gardein d'aucun ville que ad poyar de faire execution de mesme le statute, et si le obligor ne paya le det a le iour, & rien de ses biens, terres, ou tenements ne purront estre troues deins le garde le Maioz ou gardein auunt dit, mes en autres lyeux dehors, donques le recognisee suera le recognisance & obligation oue vn certification a la Chauncerie

The Exposition of

corie desouth le seale le Roy, & il auera hors de la Chauncerie vn Capias al Vicont del countie ou il est de luy prender, & mitter luy en prison, si il ne soit clerk, tanque il ad fait gree de la dette. Et vn quarter de lan apres ceo que il serra pris, il auera sa terre liuer a luy mesme pur faire gree a le partie de le det, & il poit vender sa terre tanque il est en prison, & son vendition serra bon & loyal. Et si il ne face gree deins le quarter dun an, ou sil soit retorne que il nest troue, & sil ne soit clerke, adonques le recognissee poit auer brieve de la Chauncerie que est appelle Extendi facias, direct al toutes Viconts lou il ad terres de extender ses terres & biens, & ses biens a luy deliuer, & luy seiser en ses terres, a tener eux a luy & a ses heires & a ses assignes, tanque le dette soit leuie ou paye, & pur cel temps il est tenant per Statute Marchant.

Et nota bien, que en vn

certe vnder the kinges seale, and he shal haue out of the Chauncerie a Capias to the Shirife of the county where he is to take him, and to put him in prison, if he be not a clerk, till he haue made greement of the debt. And one quarter of the peere after that that he shall be taken, he shall haue his land deliuered to himself to make gree to the partie of the debt, & he may sell his land while he is in prison, & his sale shall be good and lawfull, And if he do not make satisfacti- on within a quarter of a peere, or if it be returned that he be not found, & if he be not a clerk, then the recognissee may haue a writ of the Chancery which is called Extendi facias, direct to all Shirifes where he hath lands, to extend his lands & goods, & to deli- uer the goods to him, & to seise him in his lands, to hold them to him & to his heires & his assignes, till that the debts be leuied or pated, & for that time he is tenant by statut marchant.

And note well, that in a sta-

Statute marchant the recognisee shall haue execution of al the lands which the recognisor had the day of the recognisance made, and any time after by force of the same Statute.

And note well, that when any wast or destruction is made by the recognisee, his executors, or by him that hath his estate, the recognisor or his executors shal haue the same law as is beforesaid of the tenant by Elegit.

And note well, if the tenant by Statute marchant hold ouer his terme, he that hath right may sue against him a Venire facias ad computandum, or els enter by and by as vpon tenant by Elegit. See the Statute 11.E. 1. and of Acton burnel, and 13.E. 1. de Mercatoribus.

estatute marchant, le recognisee auera execution de toutes les terres que le recognisor auoit iour de la recognisance fait, & ascun temps puis per force de mesme le statute.

Et nota bien, que quant ascun wast ou destruction est fait per le recognisee, ses executors, ou per celuy que ad son estate, le recognisor ou ses executors aueront mesm la ley come est suisdit de le tenant per Elegit.

Et nota bien, si tenant per le Statute marchant tient ouster son terme, cestuy que ad droit poit suer enuers luy vn Venire facias ad computandum, ou entrer tantost sicome sur le tenant per Elegit. Vide le Statute 11.E. 1. & de Acton burnel, & 13.E. 1. de Mercatoribus.

T
417 Fee Taile.

To hold in the Taile, is where a man holdeth certain lands or tenements to him & to his heires of

T
Fee Taile.

Tener en le Taile, est lon home tient certaine terres ou tenements a luy & a ses heyres de son

The Exposition of

son corps engendres.

Et nota bien, que si le terre soit done a vn home & a ses heires males, & il ad issue male, il ad fee simple, & ceo fuit adiudge en le Parliament nostre Seignior le Roy. Mes lou terres ou tenements sont dones a vn home & a ses heires males de son corps engendres, il ad fee taile, & le issue female ne serra my inherite, vt patet Anno 14. Ed. 3. en vn Assise 18.E.3.45.

Fee taile, est lou terre est done a vn home & a ses heires de son corps engendres, & il est dit tenant en le taile general. Mes si terre soit done al baron & feme & al heires de lour deux corps engendres, ore le baron & la feme sont tenants en le taile especial. Et si vn de eux denie, cestuy que suruiue est tenant en le taile apres possibilitie de issue extinct, & si il face wast il ne serra empeache de cel wast. Vide Littleton.

Mes si le Roy done terres a vn home & a ses heires males, & le donee deuie

his bodie begotten.

And note wel, that if the land be giuen to a man and to his heires males, & he hath issue male, he hath fee simple, and that was aiudged in the Parliament of our Lord the king. But where lands be giuen to a man and to his heires males of his bodie begotten, then he hath fee taile, & the issue female shal not be inheritable, as it appeareth the 14. peere of E.3. in Assise 18.E.3.45.

Fee taile, is where land is giuen to a man and his heires of his bodie begotten, and he is called tenant in the taile generall. But if lands be giuen to the husband and the wife & the heires of their two bodies begotten, then the husband & the wife be tenants in the taile especial. And if one of them dye, he that suruiueth is tenant in tail after possibility of issue extinct, & if he make wast he shal not be impeached for that wast. See Litt.

But if the king giue land to a man and to his heires males, and the donee dieth
with

without issue male, then the cosin collaterall of the donee shal not enherit, but the king shal reenter and so it was adiudged in the Eschequer Chamber 18. H. 8. in an Information made against the heire of Sir T. Louel knight.

sans issue male, donques le cosin collaterall del donee ne inheritera, mes le roy reentra, & issint fuit adiudge en Leschequer chamber Anno 18. H. 8. en vn information fait vers l'heire de Sir T. Louel Chualer.

418 Taile after possibilitie.

Taile apres possibilitie.

TO holde in the taile after possibilitie of issue extinct, is where land is giuen to a man and to his wife, & to the heirs of their two bodies engēdred, and one of thē ouerliueth the other without issue betweene them begotten, he shal hold h land for terme of his owne life, as tenant in h taile after possibilitie of issue extinct. And notwithstanding that hee doe wast, he shal neuer be impeached of that wast. And note h if he alien, he in the reuersion shal not haue a writ of entrie in consimili casu. But he may enter, & his entre is lawfull, per R. Thorp chiefe Iustice 28. E. 3. 96. & 45. E. 3. 26.

TENER en le taile apres possibilitie dislue extinct, est lou terre est done a vn home & sa feme & a les heires de leur deux corps engendres, lun de eux suruiue l'auter sans issue enter eux issuant, il tiendra sa terre a terme de sa vie demesne, come tenaunt in le taile apres possibilitie dislue extinct. Et non obstant que il fait wast, il ne serra iammys empeche de cel wast. Et nota sil alien, celuy en la reuersion ne auera brieve dentre in consimili casu. Mes il poyt entrer, & son entre est congeable, per R. Thorp chiefe Iustice 28. E. 3. 96. & 45. E. 3. 25.

Taxe

The Exposition of

419 Taxe & Tallage.

TAXE & Tallage, sont paiments, come dismes, quinzimes, subsidies ou tiels semblables grant al roigne per Parliament.

Les tenants en auncient demesne sont quits de ceux taxes, & tallages grauntes per Parliament, sinon que le Roigne taxe auncient demesne, come el poet quant a luy pleast pur graund cause. Veies auncient demesne.

420 Tenure en capite.

TENURE en capite, est lou ascun tient del Roigne come de sa parson esteant Roigne, & de sa Corone, come dun Seignorie per luy mesme en grosse, & en chiefe desuis tous autres Seignories, Et nemy lou ils tient de luy come de ascun mannor, honor, ou Castell, sinon certeine auncient honors, vt patet in Scaccario.

421 Terme dans.

TENER a terme dans nest forsque chattell en effect, car nul action est maintainable enuers le termor quant a recouerer le

Taxe and tallage.

TAXE & tallage, are paiments, as tenthes, fifteenths, subsidies, or such like grated to the Queene by Parliament.

The tenants in auncient demesne are quite of these taxes and tallages graunted by Parliament except that the Queene do taxe auncient demesne, as shee may when shee thinkes good for some great cause. See auncient demesne.

Tenure in capite.

TENURE in capite, is wher any hold of the Queen as of her person beeyng Quene, & of her crowne as of a Lordship by it self in grose, & in chiefe aboue all other Lordships, And not where they holde of her as of anie Mannour, Honour, or Castell, except certaine auncient honors, which appeare in the Exchequer.

Terme dans.

TO holde for terme of yeres is not but chattell in effect, for an action is maintainable against termor for the recouering of the

the free holde, for no free-
hold is in him. A lease for
terme of yeares is a chat-
tell reall, and all goods
which are remouable are
chattels parsonals.

frankenement, car nul
frankenement est a luy.
Lease a terme dans est
chattell reall, & toutes
bns mouables sont chatels
personals.

422 Testament.

Testament, is thus defi-
ned in *Master Plow-*
dens Comuentaries, a tes-
tament is the witnessse of
the mind, & is compound
of these two woords, Te-
statio and mentis, which
so signifieth, trueth is, that
a Testament is a witness
of the mind, but that it is a
compound woord, *Aulus*
Gellius in his *vi. booke*
ca. 12. doth deny the same
to an excellent lawyer one
Seruius Sulpicius, & saith,
that it is a simple woord,
as are these, *Calciamentū*,
Paludamentum, *Pauiamē-*
tum, and diuers such like.
And much lesse is *Agrea-*
mentū, a compound woord
of *aggregatio* and *men-*
tium, as is said before in
the title of Agreement, for
there is no such latin woord
simple or compound: but
it may neuerthelesse serue
well for a law latin woord,

Testament.

Testament, est issint de-
fine on expounde en
Mounier Plowdens Com-
mentaries: *Testamentum*
est *testatio mentis*, & est
compound de ceux deux
parolx, *Testatio* & *mentis*,
que issint signifie, veray il
est, que vn Testament est
testatio mentis, mes que il
est vn compound parol,
Aulus Gellius en son *vi. li-*
uer ca. 12. deny ceo al vn
excellent Lawier vn *Ser-*
uius Sulpicius, & dit q il est
vn simple parol, come sont
ceux, *Calciamentum*, *Pa-*
ludamentū, *Pauiamentum*,
& diuers tielx semblables.
Et mult meines est *Agrea-*
mētum, vn compound pa-
rol de *aggregatio* & *men-*
tium, come est dit en le
title de Agreement, car il
ny ad nul tiel Latin parol
simple ou compound: mes
il poit nient obstant serue
bien pur vn ley latin parol.
Et

The Exposition of

Et pur ceo il poit issint este meliour define. Testamentum est vltimæ voluntatis iusta sententia de eo quod quis post mortem suam fieri vult &c.

Et de Testamentes il y ad deux sorts, cest a scauoir vn Testament en escript, & vn Testament per parolx, q̄ est appel vn Nuncupatiue Testament.

Le primer est tous foits en escript, come est dit.

Le auter est, quant vn home esteant malade, & pur pauor que mort ou fault de memorie, ou de parler, voit venter cy suddenlyment & hastiement sur luy, que il serra preuent si il demurt le scripture de son Testament, request les vicines & amies de porter tesmoigne de son darrain volunt, & donques declare ceo presentment per parolx deuant eux, que apres son decease est proue per tesmoignes, & mis en escript per le Ordinarie, & donques il est en cy bon force come si ceo ad al primer en le vie del Testator este mis en escript : finon que

And therefore thus it may bee better defined. A Testament is the true declaration of our last wil, of that we would to be done after our death &c.

And of Testamentes there be two sorts, namely a Testament in writing, & a Testament by wordes, which is called a Nuncupatiue Testament.

The first is alwaies in writing, as is said.

The other is, when a man being sicke, and for feare least death or want of memorie, or of speech, should come so suddenly and hastily vpon hym, that he should be preuented if he stayed the writing of his Testament, desireth his neighbours and friends to beare witness of his last wil, and then declareth the same presently by wordes before them, which after his decease is proued by witnesses, and put in writing by the Ordinarie, and then standeth in as good force as if it had at the first in the life of the Testator ben put in writing: if it be
not

Not for landes not deuifable by custome.

il soit pur terres nient deuifable per custome.

423 Them.

Them, that is, that you shall haue all the generations of your villaines with their suites and catell wheresoeuer they shall be found in England, except that if any bondman shal remain quite one yere and a day in any priuiledged towne, so that he shall be receiued into their communaltie or guilde, as one of them, by that means he is deliuered from villenage.

424 Theftbote.

Theftbote, is whē a mā taketh any goods of a theefe to fauor and maintaine him: And not when a man taketh his owne goods that were stolen from him &c.

The punishmēt in ancient time of theefebote, was of life and member. But now at this daie Mast. Stamford saith, it is punished by ransome and by imprisonmēt. But enquire further, for I think it be felonie.

Them.

Them, hoc est quod habeatis totam generationem villanorum vestrorum cum eorum sectis & catallis vbicunque in Anglia fuerint inuenta, excepto quod si aliquis natius quietus per vnū annum & diem in aliqua villa priuilegiata māserit, ita quod in eorum communiam vel gildam tanquam vnus illorum repertus fuerit, eo ipso a villenagio liberatus est.

Theftbote

Theftbote, est quant home prist ascun biens dun laron de luy fauourer & maintenir: Et nemy quant home prist ses biens demesne, que fueront emblees de luy &c.

Le punishment en ancient temps de Thefebote, fuit de vie & de member: Mes a ore M. Stamford dit, que il est punish per ransome & emprisonment. Sed quare carieo pense ceo este felonie.

Aa.j.

425 Ti-

The Exposition of

425 Title.

Title, est lou loial cause est veigne a vn home de auter chose que auter ad, & il nad ascun action pur ceo, come title de Mortmaine, ou de entrie pur cōdition enfreint.

426 Title de Entrie.

Title de Entre, est quant vn seisie de terre en fee fait feoffement de ceo sur condition, & le condition est enfreint: Ore apres le condition issint enfreint, le feoffour ad title de entre en le terre, & issint poit quant a luy pleist, & per son entrie le franktenemēt serra dit en luy maintenant.

Et est appel Title de Entre, pur ceo que il ne poit auer brieve de Droit enuers son feoffee sur cōdition, car son droit fuit hors de luy per le feoffement, le quel ne poit este reduce sans entrie, & le entre doit este pur le enfreinder de le condition.

427 Tolle, ou Tolne.

Tolle ou Tolne, est plus properment vn payment vse en Cities, Villes,

Title.

Title, is where a lawfull cause is come vpon a mā to haue a thing which an other hath, and he hath no action for the same, as title of Mortmaine, or to enter for breach of condition.

Title de Entre.

Title de Entre, is when one seised of land in fee maketh feffement thereof vpon condition, and the condition is broken: Now after the condition thus broken, the feoffor hath title to enter into the lād, and may so do at his pleasure, and by his entrie the freehold shalbe said to be in him presently.

And it is called Title of entre, because that hee cannot haue writte of Right against his feoffee vpon condition, for his right was out of him by feoffment, which cannot be reduced without entrie, & the entrie must be for the breach of the condition.

Tolle, or Tolne.

Tolle, or Tolne, is most properlie a payment bled in Cities, Townes, &

Markets & Faires, for goods and cattel brought thither to bee bought and solde. And is alwaies to be paid by the buyer and not by the seller, except there be some custome otherwise.

There are diuers others Tolles, as Turne tolle, and that is where Tolle is paid for beastes that are driuen to be sold, although that they be not sold in deed.

Also Tolle trauers, that is where one claymeth to haue a halfe peny, or such like Tolle of every beast that is driuen ouer his ground.

Through Tolle, is where a towne prescribes to haue Tolle for euerie beast that goeth through their towne a certaine, or for every scoore or 100. a certaine: which seemeth not to be so vireasonable a prescriptiō or custome, as some haue thought, although it be through the queens high way (as they cal it) wher euery mā may lawfully goe, if y there be one thing for an other:

Markets, & Faires, pur biens & cattel port la destre achate ou vende. Et est toutes dits destre pay per le achator, & nemyper le vendour, sinon que soit ascun Custome al contraire.

Il y ad diuers auters Tolles, come Turne toll, & ceo est lou toll est pay pur auers, queux sont driues destre vendus comment que ils ne sont vendus.

Item Tolle trauers, ceo est lou vn claime dauer vn ob. ou tiel semblable Tolle de chescun beast que est driue sur son terre.

Through tolle, est lou vn ville prescribe de auer Tolle pur chescun beast que ale through lour ville, vn certaine, ou pur chescun vint ou cent, vn certain: que ne appiert destre cy vireasonable prescription ou custome, come ascuns ont suppose, nient obstant il soit per le hault chemin del Roigne (come ils ceo appel) lou chescun poit loyallyment passe, sil y ad quid pro quo:

Ans.ij.

Come

The Exposition of

Come si la soit vn pont ou tiel semblable commodity, puruey al costes & charges del ville, pur le ease de trauaylers que chascun mesme voy, per que lour iourney est ou a-bridge ou fait le meliour, pur que donques ne poit tolle este demaund loialment & oue bone reason de eux &c.

Mes diuers Citizens & Burgeses sont quite de pay tolle per le graunt del Roigne, ou sa aunces-tors, ou claime ceo per prescription ou custome. Issint auxy espiritual persons & religious homes (come ils fueront appels) fueront quite de tolle pur lour biens & marchandises achate & vedus &c. Mes a ore le Statute del Roy Henr. 8 Anno 21. cap. 13. voit que ils ne marchandiser.

Item tenants en auncient demesne doyent este quite per tout le Realme de paier tolle, cōe appiert deuant en le title Sokemans. Et en tous ceux cases ou tolle est deste demaunde, ou il ne doit

As if there bee a brydge or such like commoditie prouided at the costes & charges of the Towne, for the ease of trauaylers that driue that way, whereby their iourney is eyther shortned or bettered, why then may not tolle be lawfully and with good reason demanded of them &c.

But diuers Citizens & Townes mē are free frō paying tolle by graunt of the Queene or her aunces-tors, or doe claime the same by prescriptiō or custome. So also spirituall persons & religious men (as they call them) were quit of paying tolle for their goodes & marchandises bought and sold, but now the Statute of king H. 8. An. 21. cap. 13. will that they shall not marchandise.

Also tenants in auncient demesne ought to bee quite throughout the whole realme of paying tolle, as appeareth before in the title sokemans. And in all these cases wher toll is demanded where it ought not to

to be paid of them & should
goe, buy and sell tolle free,
there the partie or parties
griued may haue a writ,
De essendi quietum de to-
lonio, directed to him, or
them & so demaunded tolle
contrarie to the Queene
or her progenitors grant,
or contrarie to custome or
prescription.

428 Treason.

Treason is in two man-
ners, that is to say,
graund treason and petit
treason, as it is ordeined
by the statutes and there-
fore looke the Statuts, and
Stamf. lib. 1. cap. 2.

429 Treasure troue.

Treasure troue, is when
any money, golde, sil-
uer, plate or bolpon, is
found in any place, and no
man knoweth to whome
the propertie is, then the
property therof belongeth
to the King, and that is
called treasure troue, that
is to say, treasure founde.
But if anie mine of met-
tal be found in any ground,
that alway pertaineth to
the Lord of the soyle, ex-
cept it be a mine of gold or
silver which shalbe alway

este pay de eux que doivent
aler, achate, & vende, quite
de tolle, la le partie ou
parties greeue poyent a-
uer vn briefe, De essendi
quietum de tolonio, direct
a luy, ou ceux que issint
demaunde tolle contra al
graunt le Roigne ou sa
progenitors, ou contra al
custome ou prescription.

Treason.

Treason est en deux ma-
ners, cest ascauoir,
haute treason, & petit
treason, come est ordeine
per lestatutes, & ideo vi-
de statuta & Stamford lib.
1. cap. 2.

Treasure troue.

Treasure troue, est quant
ascun money, or, ar-
gent, plate ou bolion,
est troue en ascun lieu,
& nul conust a que le
propertie est, donques
le propertie de ceo ap-
pertient al Roye, & ceo
est dyt treasure troue.
Mes si ascun minerall de
mettal soyt troue en as-
cun terre, ceo toutes foits
pertient al Seignieur del
soile, forsq; que il soit mi-
nerall de or ou de argent,
queux serront toutes foits

A a. iij.

al

The Exposition of

al Roy, en quecunque soile
que ils sont troues.

to þ king in whose groude
soeuer they be found.

430 Tourne del vicont.

Tourne del vicont, est
vn Court de recorde en
touts choses que pertaine
al tourne. Et est le leete
le Roigne per tout le
Countie, & le viscount est
Iudge. Et quecunque ad
vn leete ad mesme le au-
thoritie deins le precinct,
sicome le vicont ad deins
le tourne.

Shirifes tourne.

Shirifes tourne, is a court
of recorde in all things
that pertain to the tourne.
And it is the Queenes
leete thorough all the
Countie, and the Sherife
is iudge. And whosoever
hath a leete hath the same
authoritie within the pre-
cinct as the Sherife hath
within the tourne.

V.

431 Verderor.

Verderour, est vn offi-
cer en les Forrests del
Roy, eslieu per les frank-
tenaunts del countie lou
le Forrest est, per brieve
del Roy direct al viscount
de ceo faire, come ap-
piert per les lieures del
Registre & del nature des
briefes, & sont appellees
en Latine *Viridarij*, come
semble, de le paroll *Viri-*
de, que est en Anglois,
Greene, en Francois *Verd*,
quar vn graunde parte
de leur Office est tou-
chant le Verd, cest asca-
noir, le boys & herbes cres-

V.

Verderor.

Verderour, is an officer
in the Forrestes of the
king, chosen by the free-
holders of the Countie,
where the Forrest is, by
a writ of the king direc-
ted to the Sherife to doe
it, as it appeareth by the
bookes of the Register
and of the nature of writs
and are called in Latine
Viidarij, as it seemeth of
the word *Viride*, which is
in English *Greene*, in
Frensh *Verd*, for a great
part of their Office is
touching the Vert, to wit,
the woode & grasse grow-
ing

ing in the forest, for which
see more in the Charter &
lawes of the Forest.

saunt en le forest, pur quel
veies pluis en le Charter
& leys del Forrest.

432 View.

View, is when any action
on real is brought and
the tenaunt knoweth not
well what lande it is that
the demaundant asketh
then the tenant shall praye
the view, that is to say, y
he may see the land which
hee claymeth. But if the
tenant hath had the viewe
in one writ, and after the
writ is abated in misna-
ming of the towne, or by
ioyntenure, and after the
demaundant bringeth an-
other writ against the te-
nant, then the tenant shall
not haue the viewe in the
second writ.

433 Vi laica remouenda.

Vi laica remouenda, is a
writ, and it lieth where
debate is betweene two
Parsons or prouisoys for
a Church, & one of them
entreteth into the Church
with great power of laye
men, and holdeth the other
out with force and armes,
then he that is holden out

View.

View, est quant aſcun
action reall est port
& le tenaunt ne ſcauoit
bien quel terre il eſt
que le demaundant de-
maunde, doncque le te-
naunt priera la view, ceſt
aſcauoir, que il puit vey-
er le terre que il claima.
Mes ſi le tenaunt ad
eu le viewe en vn briefe,
& puis le briefe eſt a-
batus per miſnomer de
ville, ou per ioyntenure,
& puis le demaundaunt
port vn tiel briefe vers le
tenaunt, doncque le te-
nant nauera le viewe en le
ſecond briefe,

Vi laica remouenda.

Vi laica remouenda, eſt
vn briefe, & giſt lou
debate eſt perenter deux
perſons ou prouiſours
dun Eſgliſe, & lun enter
en leſgliſe, oue graunde
power de les homes & ti-
ent lauter dehors oue
force & armes, doncque ce-
luy que eſt ten' dehors,

A a. iiii.

auera.

The Exposition of

auera le dit brieve direct al vicount que il remoua cest power que est deins leglise, & serra commaund al vicount que sil troue ascuns homes luy resistant, que le vicont prender ouesque luy la poyar de son countie si besoigne soit & serra attach per lour corps toutes ceux luy résistantes & les mettera en prison issint que il eyt lour corps deuant le Roy a certaine iour de responder del contempt. Et cest brieve est returnable & ne serra graunt deuant que leuesque del lieu lou tiel esglise est, eyt certifie en le Chauncerie tiel resistance & force.

434 Villenage.

TEnure en pure villenage, est a faire tout ceo que le Seignior luy voit commander.

La diuision de villenage, est villeine de sanke, & de tenure. Et il est villen de que son Segnior prent redemption de sa fille marrier, ou soy mesme enfranchise, & le Seignior puit luy ouste de ses

shall haue this writ directed to the Shirefe that he remooue the power which is within the Church, and the Shirefe shall be commanded that if he find any men there withstanding, that the Shirefe shal take with him the power of his Countie if neede bee, and shal arrest the bodies of all them him resisting, & shall put them in prison, so that he haue their bodies before the King at a certaine day to answer to the contempt. And this writte is returnable, and it shall not be granted before that the bishop of the place where such a church is, hath certified in the Chauncerie such resisting and force.

Villenage.

To holde in pure villenage, is to doe all that, that the lord wil him commaund.

The diuision of villenage, is villein of blood, & of tenure. And hee is a villen of whome the Lord taketh redēption to marry his daughter, and to make him free, and it is he who the Lord may put out of his land.

lands or tenements at his will, and also of all his goodes and cattell.

And note well, that a Sokeman is no pure villein, nor a villein oweth not ward, mariage, nor reliefe, nor to do any other seruices reals.

And note well, that the tenure in villenage shall make no freeman villein, if it be not continued euer ſith time out of mind, no villeine land shall make no free man villein, nor free land shall make no villein free, except that the tenant haue continued free beyond the time of memorie.

But a villein shall make free land villein by seisin, or by claime of the Lord,

And note well, that if a villein purchase certaine land, and take a wife and alien, and dyeth before the claim or seisin of his Lord, the wife shall be endowed.

And note well, that in case that the Lord bring a Precipe quod reddat against the alienee of his villein, which voucheth to warrant the issue of the villein

terres ou tenements a sa volunt, & auxy de tous ses biens & chateux.

Et nota bien, que Sokeman nest pas pure villein, ne villein doit pas gard, mariage, ne reliefe, ne faire auter seruices reals.

Et nota bien, que tenure en villenage ne ferra nul frank home villein, fil ne soit continue ouster le temps de memorie, ne villein terre ne ferra franke home villein, ne franke terre ne ferra villeine franke, sinon que le tenant auoit continue frankment ouster le temps de memorie.

Mes vn villein ferra frank terre villein per seisin, ou per claime de son Sñior.

Et nota bien, que si villein purchase certain terf, & prent feme & alien, & deuie deuant le claime ou seisin de son Seignior, la feme ferra endowe.

Et nota bien, que en cest case que le Seignior port Precipe quod reddat enuers le alienee son villein, le quel vouche a garantir le issue de le villein que

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que est villein al Seignior, il auera le voucher. Et per protestation le Seignior poit (non obstant que il plede oue son villein) sauuer que son villein ne serra my enfranchise.

Et nota bien, que Bastard ne serra iammais adidge villein, sinon per couissance en court de record.

Et nota bien, que si dee soit due per vn Seignior a vn frank home, & il face deux homes ses executors, les queux sont villeines al dit Seignior & deuie, les villeines aueront action de Dette enuers leur Seignior. Et nient obstant que il plede ouesque eux, & il face protestation, ils ne serront pur tant enfranchise, pur ceo que ils sont a recouer le dette auant dit al vse de vn auter person, cest a sauoir, al vse leur testator, & nient a leur vse demesne.

Et si le tenaunt en dower eyt vn Villeine, le quel purchase certaine terre en fee, & puis le tenaunt en dower enter, el auera le terre a luy & a

which is villein to the Lord, he shall haue the voucher. And by protestation the Lord may (notwithstanding that he pled with his villein) saue þ his villein shal not be enfranchised

And note well, that a Bastard shall neuer bee indged villein, but by knowledge in court of record.

And note well, that if debt be due by a Lord to a freeman, and he maketh two men his executors, the which be villeines to the said Lord and dyeth, the villeines shall haue an action of Debt against their Lord. And notwithstanding that he pled to them, & if he make protestation, they shal not be the by enfranchised, for that þ they be to recouer the debt as foresaid to the vse of an other person that is to say, to the vse of their testator, & not to their owne vse,

And if the tenant in dower haue a villein which purchaseth certaine land in fee, and after the tenant in dower entreth, she shal haue the land to her & to her

her heires for euermore.
And the same law is of
tenant for terme of yeeres
of a villein.

And note well, that the
Lord may robbe, beat, and
chastise his villein at his
will, saue only that he may
not maim him, for then
he shall haue appeal of
maime against him.

And note wel, that a vil-
lein may haue three actions
against his Lord, that is
to say, an appeal of the
death of his auncestor, an
appeal of rape done to his
wife, & an appeal of maim.

And note well, if two
parceners bring a writ of
Niefte, and one of them be
nonsuit, the nonsuit of him
shal be iudged the nonsuit
of them both, so that if that
nonsuit be after appea-
rance, they shall be barred
from that action for euer,
for the law is such in fa-
uour of libertie.

And note well, if two
haue a villein in common,
& one of them make to him
a manumission, he shal not
be made free against both.

And note well, that in
a writ de Natiuo habedo,

ses heires a toutes iours.
Et mesme le ley est de te-
nant a terme de ans de vn
villein.

Et nota bien, que le Seig-
nior poit robbe, naufrer, &
chastiser son villein a son
volunt, salue que il ne poit
luy maim, car donques il
auera appeal de maim
enuers luy.

Et nota bien, que vil-
lein poit auer trois actions
enuers son Seignior, cest-
ascavoir, vn appeale de
mort son auncestor, vn ap-
peal de rape fait a sa feme,
& vn appeal de maim.

Et nota bien, si deux par-
ceners port briefe de Ni-
efte, & lun de eux soit
nonsuit, le nonsuit de luy
serra aiudge le nonsuit de
ambideux, issint que si le
nonsuit soit apres appea-
rance, ils serront barred de
cest action a tous iours,
car la ley est tiel in fauo-
rem libertatis.

Et nota bien, si deux ont
vn villein en comon, & lun
de eux fait a luy vn manu-
mission, il ne serra my en-
franchise enus ambideux.

Et nota bien, que en
brief de Natiuo habendo,
il

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il couient que le Seignior monstre coment le def. aueigna priue de sank a ce-luy villein de que il est Seignior &c. Et si il ne nul de ses aunceltors ne soit seisie de nul de son sank, il ne gainera per son action, si le villein nad pas conus en court de Record luy estre son villein.

Et nota bien, que en vn briefe de Niefte ne purront estre mis plusors nifes que deux tantsolement, & hoc intraductu fuit prius in odium seruitutis. Mes en briefe de Libertate probanda, purront estre mis tants niefs come le plaintife voudra.

Et nota bien, que si le villein de Seignior soit fue en auncient demesne del Roy, ou auter ville priuiledge, deyns lan & iour, le Seignior poit luy seiser, & si demurt en la dit ville ou lieu franchise per vn an & vn iour sans le seisin de son Seignior il nad my power de luy seiser apres, si il ne va dehors le suisdit franchise.

Et ascuns sont villeines

it behoueth that the Lord shew how the defendant commeth to be priue of the blood of the villein of whom he is Lord &c. And if he nor none of his aunceltors were not seised of none of his blood, he shal not win by his actio, if the villein haue not knowledged in court of Record himsele to be his villein.

And note well, that in a writ of Niefte may not be put more nifes then two onely, and this was first brought in the hatred of bondage. But in a writ de Libertate probanda, may be put as many nifes as the plaintife will.

And note well, that if the villein of a Lord be fled in auncient demesne of the king, or other towne priuiledged, within a yere and a day, the Lord may seise him, and if he dwell in the same towne or other place franchised by a yere and a day without seisin of the Lord, he hath no power to seise him after, if he go not out of the foresaid franchise.

And some be villeines by

by title of Prescription, that is to say, that they haue beene villeines regardants to the manor of the Lord from time out of mind.

And some be villeins by their confession in a court of recorde. Also the Lord may make a manumission to his villeine, and make him free for ever.

Also if a villeine bring any action agaynst his lord, if it be not Appeale of maihim, and the Lord make aunswere vnto it, then by this the villeine is made free.

Also if a villeine purchase land, & hath goods and sel the lands & goods before any entre or seisin made by the Lord, the sale is good. But the King which is Lord of a villein in such case may enter and seise the lande after such sale made, for no time runneth agaynst the king.

425 Viscount

Viscount, is either the name of one degree or state of honour vnder an Earle or aboue a Baron,

per title de Prescription, cestascavoir, que tout leur sanke ont este villeins regardants a le maner dun Seignior de temps dont memory ne court.

Et ascuns sont fait villeins p leur confessien en vn court de record. Auxy le S^rr poit faire vn manumission a son villein & luy infranch. a tous iours.

Auxy si le villeine port ascun action vers son Seignior, si ne soit appel de maihim, & le Seignior a ceo sans protestati^on fait respons, donques per ceo le villein est franchises.

Auxy si vn villeine purchase terre, & ad biens & vend les terres & biens deuaunt ascun entre ou seisin fait per le Seignior, la vend^r est bon, mes le Roy que est Seignior de villein en tiel case poit en^r & seiser le terre apres tiel vend^r fait, quia nullum tempus occurrit regi.

Viscount.

Viscont, est ou le nosme de vn degre ou state de honour soubs vn Cont & paramont vn Baron, ou

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ou le nosme de vn Magistrate & officer del grand auctoritie que nous communement appellomus (Shirife) ou de parler plus verayment (Shire reue) & fuit al primes appel (Shire gereue) cest a dire custos comitatus, ou le reue ou ruler del Countie, car (Gereue) esteant deriue de Saxon parol (Geretian) pur rule, fuit al primes appel (Gerecfa) & donques (Gerefa) que betoken vn ruler. Et de ceo vient (Portreue ou Portgreue) vn nosme que en viel temps fuit done al chief officer dun ville, & signifie le gouvernour del ville pur ceo q̄ (Port) veniens de le Latin parol (Portus) signifie vn port ville, & (Gereue) esteant deriue come est auantdit signifie vn ruler, issint que Portgreue, ou come nous a ore briefement parle ceo (Portreue) est le gouverner del ville.

Et issint fuit le chiefe officer ou gouvernor del City de Londres longe temps past (deuant que ils ad le

or else the name of a Magistrate and Officer of great auctoritie whome we commonly call (Shirife) or to speake moze truelie (Shire reue) and was at the first called (Shiregereue) that is to say the keeper of the shire, or the reue or ruler of the Shire, for (Gereue) being deriued of the Saxon worde (Geretian) to rule, was first called (Gerecfa) and then (Gerefa) which betokeneth a ruler. And hereof cometh (Portreue or Portgreue) a name that in olde time was giuen to the head officer of a Towne, and signifieth the Ruler of the Towne, for that (Porte) comming of the Latine word Portus, signifieth a Port town, & (Gereue) being deriued as is aforesaide signifieth a ruler, so that Portgreue, or as we now shorter speak it (Portreue) is the ruler of the town.

And this was the head Officer or Gouvernour of the Citie of London long since (before they had the name

name of Maioz or bailifs) called, as it doth appeare in diuers olde Monuments. But chiefly in the Saxon Charter of William Bastarde the Conquerour, which this be- ginneth.

William the king greeteth William the Bishop & Godfrey the Porteeue, and also the Citizens that in London be &c.

So also they of Germanie (from whom we and our language together first came) call among them one gouernor Burgreeue, an other Margreeue, and an other Landsgreeue, with such like &c.

Thus much is said onely to shew the right Etymon and antiquitie of the word (Shirife) to which officer our common Law hath alwaies accordingly giuen great trust and authoritie, as to be a speciall preseruer of the peace. And therefore all obligations that he takes to the same end, are as Recognisances in law.

He also is a Judge of

nosme del Maior ou Baylifes) appel, come il appiert en diuers vieulx Monuments: Mes principalement en le Saxon Charter de Guiliam Bastarde le Conquerour, que issint commence.

William Cing greit William Bisceop, & Godfrey Ges port Gerefant, and dalle tha Burwarren the on London beon &c.

Issint ils de Germanie (de que nous & nostre language ensemble primerment vient) appel enter eux vn gouernour Burgreeue, vn auter Margreeue, & vn auter Landsgreeue, oue tielx semblables &c.

Cest tant est dit tantselement pur monstre le droit Etymon & antiquitie del parol (Shirife) a quel officer nostre common Ley ad tous fouts accordant done graund confidence & authoritie, come destre vn speciall preseruer del peace Et pur ceo tous obligations q il prist a mesme le purpose, sont come Recognisances en ley.

Il auxy est vn Iudge de record

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recorde quant il tient les Leets ou Turnes, les qux sont Courts de record.

Item il ad le execution & retourne des briefes, & empannelling des Iuries, & tiels semblables, &c.

436 Volunt.

Volunt est, quant le tenant tient a la volunt del lessor ou del Seignior, & ceo est en deux maners.

Vn est, quant ieo face lease a vn home de terres, a tener a ma volunt, donques ieo puis luy ouster a mon pleasure: Mes si il emblee le terre, & ieo luy ousta, donques il auera son embleement, & egressse & regresse ielsques ils sont mature pur eux scier & carrier hors del terre.

Et tiel tenant a volunt nest pas tenu de sustainer & repaier le meason si come tenant a terme de ans est tenu: Mes si il fait voluntarie wast, le lessour auera vers luy vn action de Trespas.

Auxy la est auter tenant a volunt del Seignior per copie de Court Rolle

record when he holds the Leetes or Turnes which are Courts of record.

Also he hath the execution and returne of writs, & impanelling of Iuries and such like &c.

Volunt.

Volunt is, when the tenant holdeth at the wil of the lessor, or of the Lord and that is in two maners.

One is, when I make a lease to a man of lands, to hold at my will, then I may put him out at my pleasure: But if he sow the ground, & I put him out, then he shall haue his corne, and going out and comming in till they be ripe to cut and carrie out of the ground.

And such tenant at will is not bound to sustaine and repaire the house as a tenant for terme of yeeres is bound: But if he make wilful wast, the lessor shall haue against him an action of Trespas.

Also there is an other tenant at will of the Lord by copie of Court Rolle
accor

according to the custome of the Manor: And such a tenant may surrender the lands into the hands of the lord by custome to the vse of another for term of life, or in fee simple, or in taile, and then he shall take the land of the Lord or his steward by copie, and shall make fine to the lord, But if the Lord put out such a tenant, hee hath no remedie but to sue by petition, & if such a tenant will implead another of his lands &c. hee ought to enter a plaint in the Court, & shall declare in the nature of what writ he will, as the case lieth.

437

Voucher.

VOucher, is whē a Præcipe quod reddat of lande is brought against a mā, & another ought to warrant the land to the tenāt, then the tenant shall vouch him to warrantie, & thereupon he shall haue a writ called Sumoneas ad warrantizandum: And if the Shirife retourne that hee hath nothing by the

solonque le custome del manor: Et tiel tenant doit surrender le terre en les mains le Seignior per le custome al vse vn autre pur terme de vie, ou en fee simple, ou fee taile, & donques il prendra le terre del Seignior ou son Seneschall per copie, & ferra fine al Seignior: Mes si le Seignior ousta tiel tenant, il nad remedy mes de suer per petition, & si tiel tenant voile emplede vn autre des terres &c. il couient enter vn plaint en le court, & coutera en le nature de quel brief il voit, sicome le case gist.

Voucher.

VOucher, est quant vn Præcipe quod reddat de terre est port vers vn home, & vn autre doit garrant le terre al tenaunt, donques le tenaunt luy vouchera a garrantie, & sur ceo il auera vn brief appel Sumoneas ad warrantizandum: Et si le Vicount retourne que il nad riens per

Bb. j.

que

The Exposition of

que il poit este summon,
donques issera brieve ap-
pel Sequatur sub suo pe-
riculo, & quant il vient
il pledera ouesque le de-
maundaunt, & si il vient
& ne poit barre le de-
maundaunt, donques le
demaundaunt recouera la
terre vers le tenaunt,
& le tenant recouera tant
de terre en value vers le
vouchee, & sur ceo il a-
uera vn brieve appel Ca-
pias ad valentiam vers le
vouchee.

Vide plus de Vou-
cher deuant titulo Gar-
rantie.

438

Vses.

VSes de terre ad son cō-
mencement apres q̄ le
custome de propertie cō-
mēce enter homes: Come
ou vn esteant seisi de ter-
res en fee simple, fait vn
feoffemēt al vn auter sans
ascun consideration, mes
selement meaning que le
auter ferroit seisie al son
vse, & que il mesme voile
prendre le commoditie
& profits de les terres, &
que le feoffee doit auer le

which hee maie bee sum-
moned, then there shall go
foorth a writte called Se-
quatur sub suo periculo, &
when he cometh he shall
plead with the demaun-
dant, and if hee come not,
or if hee come and cannot
barre the demandāt, then
the demandāt shal recouer
the land against ȳ tenant,
and the tenant shall reco-
uer as much lād in value
against the vouchee, and
thereupon he shall haue a
writ called Capias ad va-
lentiā against ȳ vouchee.

Looke more of vou-cher
before in ȳ title Garrantie.

Vses.

VSes of land had begin-
ning after that the cus-
tome of propertie began
amōg men: As where one
being seised of lāds in fee
simple, made a feoffement
to another without any
consideration, but onely
meaning that the other
should be seised to his vse,
& that he himselfe would
take the commodity & pro-
fits of the lands, and that
the feoffee should haue the
possession

possession and franktene-
ment thereof to the same
vse &c.

Nowe after this vpon
good considerations, and
to auoid diuers mischiefs
and inconueniences, was
the Statute of Anno 27.
H. 8. cap. 10. prouided,
which uniteth the vse
and possession together,
so that who hath the vse
of the land, the same hath
the possession thereof, ac-
cording to the vse he hath
therein by vertue of that
estatute.

possession & franktene-
ment de ceo al mesme le
vse &c.

Ore apres ceo sur bone
considerations, & pur a-
uoider diuers mischies
& inconuenietices, fuit le
Statute de An. 27. H. 8. cap.
10. puruiew, quel vnit le
vse & possession ensemble,
issint que il que ad le vse
de terre, il mesme ad le
possession de ceo, accor-
dant al vse que il auoyt
en ceo per vertue de cest
estatute.

439

Vsurie.

Vsurie, is a gaine of any
thing aboue the prin-
cipall, or that which
was lent, exacted onely
in consideration of the
loane, whether it bee of
Corne, Meate, Apparell,
Wares, or such like, as
of money.

And here much might
bee saide, and many cases
might bee put concerning
Usurie, which of purpose
I omit, onely I wish,
that they who accompt
themselves religious and

Vsurie.

Vsurie, est vn gainé de
ascun chose ouster le
principal, ou ceo que
fuit lent, exact solement
en consideratió de le loan,
soit il de Corne, Viande,
Apparel, Wares, ou tiels
semblables, come de mo-
ney.

Et icy mult pōit estre
dit, & diuers casés poyent
estre mis concernants V-
surie, le quel de purpose
ieo omit, solemēt ieo pria,
que ceux que accompt
eux mesmes religious &

Ben.

bōne

The Exposition of

bone Christians ne voy-
lent deceiue eux mesmes
per cclour de le Statute
de Vsurie, pur ceo que
le statute dit, que il ne
ferra loyal pur ascun de
prendre ouster x. li. en le
C. li. pur vn an & c. per que
ils collect (mes fausement)
que ils poyent per ceo
prendre x. li. pur le loane
dun C. li. oue vn bon con-
science, pur ceo que le sta-
tute solonque vn manner
dispence oue ceo (pur
ceo que il ne punishe ti-
elx prendors) quel chose
il ne poit faire oue les
leyes & ordināces de dieu
ear Dien voile auer ses
decrees obserue inuiola-
ble, que dit, lende expe-
ctans pur nul chose pur
ceo & c. Per queux parolx
est exclude, le prisel de x.
li. v. li. ou de vn denyer
ouster le principall. Mes
plus pensant tiels que
cest statute fuit fait sur
tiel cause, que moua Moy-
ses de doner vn bill de
diuorce a les Israelites,
come nosment, pur a-
uoyder vn greinder mis-
chiefe & pur le durtie de
leur ceurs.

good Christians woulde
not deceiue them selues
by colour of the statute of
Usurie, because y^e statute
saith that it shall not be
lawfull for any to take a-
boue x. li. in the C. li. for a
yeare & c. whereby they
gather (although falsely)
that they may therefore
take x. pound for the loane
of an C. li. with a good
conscience, because the
Statute doth after a sort
dispence withall (for that
it doeth not punishe such
taking) which thing it cā
not doe with the lawes
and ordinaunces of God,
for God will haue his
decrees to bee kept inuiol-
lable, who sayeth, lende
looking for nothing ther-
by & c. By which wordes
is excluded, either the ta-
king of x. l. b. l. yea, or one
penny aboue the principall.
But rather let such think,
that that Statute was
made bpō like cause, that
mooued Moyses to giue
a bill of diuorce to the Is-
raelites, as namely to a-
uoid a greater mischief,
& for the hardnes of their
hearts.

440 Vtlarie.

VTlarie, is when an exigent goeth forth against any mā, to appeare in any Court to make answer to any action or inditement, and proclamation made in five Counties, then at the v. countie if the defendant appeare not, then the coroner shall giue iudgement that hee shal be out of the protectiō of the king, and out of the eyde of the law.

And by such an vtлары in actions personels the party outlawed shal forfait al his goods and cattels to the king.

And by an vtлары in felony he shal forfait aswell al his landes & tenements that he hath in fee simple, or for terme of his life, as his goods and cattels.

Also though a man bee outlawed, yet if any error or discontinuance be in the suite of the proces, the partie thereof shall haue advantage, & for such cause the vtлары shalbe reuersed and adnulled.

Vtlary.

VTlarie, est quant exigent issist vers ascun home de appearer in ascun Court de faire respons al ascun action ou inditement, & proclamation fait in v. Counties, donques a le v. countie si le defendannt napeare, le coroner donnera iudgement que il sera hors de protection de Roy, & hors del eyde le ley.

Et per tiel vtлары in actions personels le partie vtlage forfeitera toutes ses biens & chateux al Roy.

Et per vtлары in felonie il forfeitera auxy byen tous ses terres & tenements que il ad in fee simple, ou pur terme de sa vie, come ses biens & chateux.

Auxy mesque vn home soit vtlage, vncore si ascun discontinuance ou erreur soit in la suite del proces, le partie de ceo auera la aduantage & pur tiel cause lvtлары serra reuerse & adnul.

Bb, iij

Auxy

The Exposition of

Auxy si le partie defendant soit ouster la mere al temps de vtlagarie pronounce, ceo est bon cause de reuersal del vtlarie.

Auxy si vn exigent soit agard vers vn home in vn countie lou il ne demurra pas, vncore vn exigent oue proclamation issira al countie lou il demurre ou auterment sil soit sur ceo vtlage vtlagarie puit este reuerse come appiert per lestatute fait Anno 6. & 4. Henrici octauy, cap.4.

Auxy si vn soit vtlage in action personal al suite dun auter & puis il purchase son Charter de pardon de Roy, tiel charter ne serra iammes allowe, ranque il ad sue vn briefe de Scire facias de garñ le partie pleintife, & si il appeare, donques le defendant respondera a luy & luy barreñ de sa action, ou auterment de faire agreement ouesque luy.

441 Vtrum.

Vtrum, est vn briefe & gist quaut le droit de

Also if the party defendant be ouer the sea at the time of vtlary pronounced, that is a good cause of the reuersal of the vtlarie.

Also if an exigent be awarded against a man in one Countie where he dwelleth not, yet an exiget with proclamation shal goe forth to the Countie where he dwelleth, or els if he be thereupon outlawed the vtlarie may be reuersed as it appeareth by the statute made the 6. & 4. yere of king H. 8. cap. 4.

Also if a man be outlawed in an action parsonel at the suit of another, & after he purchase his Charter of pardon of the king, such charter shall neuer be allowed, til he hath sued a writ of Scire facias to warn the partie plaintife, and if he appeare, then the defendant shal answer him & barre him of his action, or else to make agreement with him.

Vtrum.

Vtrum, is a writ, and it lieth when the right of any

any Church is aliened & holden in lay fee, or translated into the possession of another Church, and the alienour dyeth, then his successor shall haue the said writ, whereby an inquest shall be charged to trie whether it bee the free almes of the Church or laye fee. And note well that none that hath Couent, or common Seale, may maintaine this writ, but a writ of Entre sine assensu capituli of the alienation made by his predecessor.

ascun esglise est alien & tenuis in laye fee, ou translate in possession dauter esglise, & le alienour deuie, donques son successor auera le dit briefe, per que vn enquest serra charge de trier vtrum sit libera eleemosina ecclesie vel laicum feodum. Et nota que nul que ad couent ou common seale, puit maintenir cest briefe, mes briefe Dentre sine assensu capituli de alienation fait per son predecessor.

W.

W.

442

Waife.

Waife.

WAife, is when a theefe hath feloniously stolen goods, & being neerely followed with hue and crie, or els ouercharged with the burden or trouble of the goodes, for his ease sake and more speedie trauepling, without hue and crie, flieth away and leaueth the goods or any part of them behinde him,

WAife, est quant vn laron ad feloniouslyment emblee biens, & esteant neerement pursue oue hue & crie, ou auterment surcharge oue le burden ou trouble des biens, pur son ease & plus speedie traueile sauns hue & crie fua, & waiua les byens ou ascum part de eux arrere luy &c. donques le officer
B b. iiii. del

The Exposition of

del Roigne, ou le Reeue
ou Baylife al Seignior
del mannour (deins que
iurisdiction ou circuit ils
fuerunt wayfe) que per
prescription, ou graunt
del Roigne ad le fraun-
chise de waife, poyent sei-
ser les biens issint wayfe
al vse de lour Seignours,
que poet retaine eux come
ses proper byens sinon
que le owner vient oues-
que fresh suite apres le fe-
lon, & sue vn appell, ou
done en euidence enuers
luy al son arraignment sur
lendictment, & il attain-
de ceo &c. En queux
cases le primer owner
auera restitution de ses
biens issint emblee &
wayfe.

Mes nient obstant come
ad este dit, wayfe est pro-
perment de byens em-
blees, vncore wayfe poit
este auxy de byens nient
embles. Come si vn home
soit pursue ouesque hue &
crie, come vn felon, &
il sue & relinquish ses by-
ens demesne &c. ils setra
prise come biens waife, &
forfait come sils ad este
embles.

then the Queenes officer,
or the Reeue or Baylife
to the Lord of the manor
(within whose iurisdic-
tion or circuite they were
left) that by prescription,
or graunt from the Queene
hath the fraunchise of
waife, may seise the goods
so wayued to their Lords
vse, who may keepe them
as his own proper goods,
except that the owner
come with freshe suite af-
ter the felon, and sue an
appeale, or giue in eui-
dence against him at his
arraignment vpon the in-
dictment, and bee attain-
ted thereof &c. In which
cases the first owner shall
haue restitution of his
goods so stolen and way-
ued.

But although as hath
been said, waife is proper-
ly of goods stole, yet waif
may bee also of goods that
are not stole. As if a man
be pursued with hue and
crie, as a felon, and he fly-
eth, and leaueth his owne
goods &c. these shalbe tak-
en as goods waived, and
forfait as if they had been
stole.

Waive

443 Waive.

WAiue, is a woman that is outlawed, and shee is called waive, as left out or forsaken of the law, and not an outlaw as a man is: For women are not sworne in Leetes to the Queene, nor to the Law, as men are, who therefore are within the law, whereas women are not, and for that cause they cannot be said outlawed, insomuch as they neuer were within it.

But a man is called **vtlaw**, because that hee was once sworne to the Law: And now for contempt he is put out of the law, and is called **vtlaw**, as one should say without benefit of the Law.

444 Warwit.

WArwit, (or Wardwit as some copies haue it) that is to be quitte of giuing of money for keeping of watches.

Waive.

WAiue, est vn feme que est vtlage, & est appel waive, quasi relictā a lege, & nemy vtlage come home est: Car femes ne sont iures en Leetes al Roigne, ne al Ley, come homes sont, queux pur ceo sont deins le ley, lou femes ne sont, & pur cest cause ils ne poyent este dit vtlage, entaunt que ils ne vnques fuerount deyns ceo.

Mes vn home est dit vtlage, pur ceo que il fuit vn foits iure a le Ley, & a ore pur contempt il est mis hors del ley, & dictus vtlagatus quasi extra legem positus.

Warwit.

WArwit, (ou Wardwit come ascuns copies ad ceo) hoc est quietum esse de denarijs dandis pro wardis faciendis.

445 Wast

The Exposition of

445 **Wast.**

WAst, est lou tenant a terme dans, tenant a terme de vie, ou tenant pur terme d'auter vie, tenant en dower, ou tenant per le curtesie, ou gardein en chivalrie fait wast ou destruction sur la terre, cestascauoir, sil debrusa meason, ou coupe merisme, ou suffer le meason voluntary pur eschier, ou foder la terre, donqs cesty en le reuerfion auera vn briefe pur cest wast, & recouera le lieu ou le wast fuit fait, & treble damages. Et si home coupe merisme sans licence, & ouesque ceo repaire les auncient measons, vncore ceo nest pas wast. Mes si il ouesque le merisme edifie vn nouel meason, donques le couper de tiel merisme est wast. Auxy le couper de subbois ou willowes que nest pas merisme, ne serra dit wast, sinon que ils cressant en le view del site del meason.

446 **Wrecke.**

WReck ou varech come les Normans de que

Wast.

WAst, is where tenant for terme of peeres, tenant for terme life, or tenant for term of an others life, tenant in dower, or tenant by the curtesie, or gardein in chivalrie doth make wast or destruction vpon the land, that is to say, pulleth downe the house, or cutteth downe timber, or suffereth the house willingly to fall, or diggeth the ground, then he in þe reuerfion shal haue one writ for that wast, & shal recouer þe place where the wast is done, & treble damages. And if a man cut downe timber without licence, & therewith repaireth old houses, yet that is no wast. But if he with þe timber build a new house, then the cutting downe of such tymber is wast. Also the cutting downe of underwood or willowes, which is no tymber, shall not be said wast, but if they grow in the sight or shadow of the house.

Wrecke.

WReck, or varech as the Normans from whom

It came call it, is where a ship is perished on the sea, and no man escapeth a liue out of the same, & the ship or part of the ship so perished, or the goods of the ship come to the land of a nie Lord, the Lord shall haue that as a wrecke of the Sea: But if a man, or a dog, or cat, escape aliue, so that the party to whom the goodes belonge come within a yeere and a day, and proue the goods to be his, he shall haue them again, by prouision of the statute of Westminster the first cap. 4. made in king Edward 1. dayes, who therein followed the decree of Henry the first, before whose dayes, if a ship had bin cast on shore, soone with tempest, and were not repaired by such as escaped a liue within a certayne time, that then this was taken for wrecke.

il vient appellont ceo, est quant vn niese est perish sur le mere, & nul home escape viue hors del niese, & le niese ou part del niese issint perishe, cules biens del niese vient al terre dascun Seignior, le Seignior les auera come vn wreck de le Mere: Mes si vn home, ou vn chien, ou chate, escape viue, issint que le partie a que les biens sont, veigne deins lan & iour, & proue les biens destre ses, il auera eux arrere, per prouision del statute de Westminster le primer cap. 4. fait en les iours del Roy Edw. 1. que en ceo followed le decree de Henry le primer, deuant que iours, si vn niese ad estre mise sur le shore, torne oue tempest, & ne my repaire per eux que escapont en vie deins vn certain temps, que donques ceo fuit prise come wrecke.

447 Withernam.

Withernam.

Withernam, Look therfore in the title Distresse.

Withernam, Vide de ceo deuant titulo Distresse.

448 Warren

The Exposition of &c.

448

Warren.

Warren.

Warren, est vn lieu pri-
uiledged per pre-
scription ou graunt del
Roigne pur le preserua-
tion del liuerets, cunicles,
perdices, & phesants, ou
alcun de eux.

Warren, is a place pri-
uiledged by prescrip-
tion or graunt of the
Queene for the preserua-
tion of hares, conies, par-
tridges, and phesants, or
any of them.

FINIS

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